SENATE—*Monday, October 7, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, we recall Your instruction at the first wedding which You, Yourself, performed, "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall become one flesh." (Genesis 2:24.) And the Apostle Paul's admonition, " * * fathers, provoke not your children to wrath: but bring them up in the nurture and admonition of the Lord."*—(Ephesians 6:4.)

We pray for our families, the foundation of all social order. Imbue the Senators with the desire to give first priority to spouse and children. Grant them determination to make time for their families during the recess. Where there is alienation, may they find love and reconciliation. Where there is sickness, healing. Where there is disorder, order.

We thank you, Father in Heaven, for the rapid recovery of Mrs. Mack, and we commend her and her family to Your loving care. For others we may not know who are ill, at home or in the hospital, we pray that they may enjoy a return to complete health and strength. Whatever the need of any of our families, may that need be met in Your grace and mercy.

In the name of Jeshua, the great Physician. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

SCHEDULE

Mr. MITCHELL. This afternoon following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak for up to 5 minutes each. When morning business closes at 12:30 p.m. today, the Senate will return to executive session to resume consideration of the nomination of Judge Thomas to the Supreme Court. There will be no rollcall votes today.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the time of the distinguished Republican leader.

Seeing no other Senator wishing recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL INVESTMENT FOR DEMOCRACY

Mr. LEVIN. Mr. President, all of us breathed a sigh of relief 10 days ago when President Bush announced a series of policy changes that move us back some giant steps from the nuclear abyss. And we were doubly gratified this weekend when President Gorbachev responded, as we had hoped, with his own set of reductions and challenges for future reductions. We are reminded by President Gorbachev's affirmative and creative response just how important it is that he be around to implement and to propose additional cuts which respond to proposals of ours. But for that to happen, for him and reformers like him to survive, democracy and reform must survive in the new Republics of the former Soviet Union.

The announced nuclear and military force reductions of the last 10 days are a dramatic indication of how much we need an international effort to help prevent economic and social collapse in the Soviet Union. Such a collapse would in all likelihood destroy the reforms and the reformers in a new chapter of Soviet totalitarianism and lead the world back to the very cold war whose demise we are celebrating.

We must now lead the world in designing an international investment for democracy to help assure the survival of democracy and reform in those Republics. To put it as directly as I can, the world should act, to the extent of course that outside actions are relevant, to assist Presidents Gorbachev and Yeltsin to avoid the social upheaval that would topple them.

We do not need a Marshall plan, and we cannot afford a Marshall plan. But we do need the political vision and courage which produced the Marshall plan.

And we should get it while the getting is good.

Our ability to move the United States into a new era—the post-cold-war era—is directly tied to the fate of the Soviet Republics' experiment in democracy. The alternative is a number of totalitarian dictatorships with access to weapons of mass destruction. But I am afraid, Mr. President, I do not yet see the concrete action and the focused energy that present circumstances demand.

The seeds of democracy are, indeed, fragile in these Republics. The historical odds are long against democracy and free markets taking hold in lands which have no traditions to sustain them. The removal of Communist centralized planning has created social and economic chaos in the former Soviet Republics, and in the now-free nations of Eastern Europe. The situation is worsening daily, and the winter is rapidly approaching, threatening shortages that could produce a total breakdown. Just a few weeks ago, violence erupted in Romania as striking

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

miners protested over economic conditions. And there were angry demonstrations in Tajikistan and Azerbaijan.

It is an environment ready-made for the kind of upheaval that has created Hitlers and Stalins before. Some of the most basic economic structures are not in place. The Soviets reportedly have less than $3 billion of gold reserves with which to buy hard currency. Millions of people who performed nonproductive jobs are unemployed, and more will be soon. Ethnic, racial, and territorial struggles long-suppressed are resurfacing. Hyperinflation is taking hold. It is not just a word. Hyperinflation wipes out savings and pensions. More rubles were printed last month than in all of last year. The former privileged classes of Communist regimes—government officials, military officers, KGB agents—may have lost their positions, but they are still present. They could readily lead angry, unemployed, and hungry millions toward a new totalitarian order.

As one of the delegates to the new Soviet Congress put it: "Empty pots may become more dangerous [to democracy] than tanks."

Many of us Mr. President, have visited the Republics and Eastern Europe—before and after the failed coup and the dissolution of the Soviet Union that followed. We have seen firsthand the conditions in many of these places. We have heard the fear and anxiety of young reformers who suddenly find themselves in charge of governments and economies—they feel like they have been handed the controls of a broken-down jalopy with no fuel, no spare parts, and no road map.

This situation is not news to us, nor is it to President Bush. He is in direct contact with Presidents Gorbachev and Yeltsin. He has dispatched the Secretaries of State, Treasury, Defense, and Agriculture to examine the situation over the last few months.

Ten days ago, when the President moved beyond rhetoric to take action on nuclear arms reduction, it was a swift and bold stroke that took good ideas and made them policy. It is called leadership—and we need the same kind of leadership to do what we can to help consolidate the victories of freedom and democracy in the former Soviet Republics and Eastern Europe. The United States is in a unique position to help lead an International Investment for Democracy—a set of comprehensive and unified actions the world community takes right now to help those fragile seeds of democracy and stability take root.

I am not proposing massive handouts. I am urging investments in our own national security, much as unilateral withdrawal of short-range nuclear forces is an act we take to make ourselves safer.

Nor am I suggesting that the outside world can do this job for the peoples of the former Soviet Republics. In fact, 95 percent of the job must be done by them. They must shoulder the burdens that only they can carry because it is their system which must be radically changed. But the outside world can provide a critical 5 percent. That 5 percent is more than an amount of yen or marks or pounds or dollars needed for currency stabilization or humanitarian assistance. It is a powerful political symbol to the people in those Republics that the world is with them if they go through the agony and pain of transition. That outside support will give courage to their political leaders who must bear the political burden of unemployment, high inflation, and social unrest that come from canceled subsidies and freeing the currency.

The United States has tremendous power to influence our Western allies and Japan to support the success of democracy in the Republics. And we have tremendous authority within international institutions—economic, political, and humanitarian—authority to push them to act swiftly.

We know many of the actions that are needed. But time may be running out. Winter and massive unrest are waiting in the wings. A step-by-step plan should be put in place, with responses on our part carefully conditioned on reforms being instituted on their part.

First, we urgently need to incorporate the Republics into the international economy. Now that the International Monetary Fund has granted associate membership to the Soviet Union and its Republics, the IMF needs to outline exactly what elements of an economic reform program must be put in place for these States to qualify for further help. That program must be tough, and we should be a tough friend, pushing the reforms along for the long-term survival of democracy, and the stability of the world.

The most powerful incentive from the IMF should be a program for currency stabilization and currency conversion to cushion the imposition of market reforms in these new Republics. Without such temporary shock absorbers, hyperinflation and massive unemployment could unleash massive chaos and civil unrest. The huge number of refugees from that type of environment could in turn destabilize Eastern Europe and harm its chances of achieving radical economic reforms and democratic stability. A currency stabilization fund should be a carrot—available to the Soviets and within reach if they will institute market reforms swiftly.

These shock absorbers require billions of dollars of international capital, loans, and grants. A year ago, Western nations provided $1 billion to back Poland's effort to make its currency convertible—$200 million of that came from the United States. Poland instituted extensive price reforms and market structures to get that help, and its continuing reform efforts have resulted in the cancellation of some of its debt. In January, Czechoslovakia received lines of credit from the International Monetary Fund totaling almost $1.5 billion in international currencies—that's the kind of help the emerging Republics will need, too.

The International Monetary Fund, World Bank, and European Bank for Reconstruction and Development are the institutions who know what structural changes must be put in place in the Soviet Republics before any stabilization funds will be of help. We must have their institutional skills and expertise on the ground in Moscow and the Republics. The World Bank and IMF will be meeting in Bangkok this month. They should outline specific additional steps that can lead to full membership for the Soviet Republics.

It is important for all of these international institutions to act quickly and creatively. Those price and currency reforms and market structures seem alien to the Republics now. They must have the technical advisors they will need to run an unfamiliar market economy.

Is there risk involved in a program of international assistance? Of course. That is why the risk should be shared broadly—not borne mainly by the United States. But not acting boldly now carries a much greater risk if, by failing to act, we create conditions of chaos and social unrest that allow dictatorships to arise and again threaten the peace.

Second, we need urgent planning for direct humanitarian assistance, coordinated by international relief agencies and delivered to the people who need it. Many have warned of food shortages during the coming winter and the need for medical supplies and services may be even more urgent.

We cannot allow people to starve through their first winter of democracy. If we will commit with other countries to establish an international program of humanitarian assistance, and assure that supplies get directly to the people in need, the certainty of food should also stop the hoarders who are now making shortages even worse.

The United States has offered $2.5 billion in commodity credits to the U.S.S.R. in the last year, and the President this week dispatched the Secretary of Agriculture and a delegation to examine Soviet food production and distribution systems. I hope they produce a plan soon for additional emergency food assistance that gets to the people who need it.

We need a similar effort by health experts, with the goal of preventing a public health disaster through early action.

This winter could bring epidemics of influenza and severe shortages of the

most basic pharmaceuticals and supplies—antibiotics, insulin, antiseizure medicine, syringes, and sterile bandages. Public health and sanitation, health-care training and delivery, medical infrastructure and equipment—all need urgent attention if these new political entities are going to develop strong, healthy societies.

The United States has distributed about $11 million in medical supplies to the Republics, with the help of Project HOPE, the Agency for International Development, and private pharmaceutical firms. But we need a more comprehensive program. I hope that President Bush would immediately instruct our Secretary of Health and Human Services to convene a coordinating meeting with health ministry representatives from the former Soviet Republics and eastern European nations, the leadership of international health groups including the World Health Organization and the Red Cross, and United States Government and private organizations including the Centers for Disease Control, Army Medical Corps, and Office of Foreign Disaster Assistance.

They should undertake an urgent mission to survey the health-care capacities and pressing medical shortages throughout the region. And they should begin planning for distribution of supplies and expertise they can already anticipate will be needed. This could be an immense logistical task, but we have the capacity and the expertise to carry it out—especially after the experience of the gulf war and subsequent relief efforts. Such humanitarian efforts would certainly have a price, but they too constitute a modest financial investment now to prevent the much higher expenditures that could result from societal breakdown in the Republics. And our own military should assist if necessary in distributing emergency food or medical aid—that is a legitimate peaceful use of our extensive airlift capacity, and an appropriate military contribution to this investment for democracy, just as it was for the Kurds after Operation Desert Storm.

A third area of response to the emerging Republics has also been on too slow a track. We need to be much more creative about joint venture arrangements and opportunities for U.S. businesses in these new societies. Not only can this type of activity open markets to U.S. companies and speed economic development, but it is also the surest path to full-scale conversion of military production facilities into commercial enterprises.

It is important to explore ways to deal directly with enterprises in the Republics, instead of the central ministries of the Republics or of whatever new union emerges. Government to government arrangements are less effective than enterprise to enterprise efforts. Legal structures, of course, need to clarify where decisionmaking authority lies, who owns property, and how contractual obligations are enforced.

In hearings last month, the Armed Services Committee heard testimony about the enthusiasm at all levels in the Republics for U.S. business know-how and direct investment. A number of American firms are already exploring joint ventures. But the committee also heard discouraging evidence of bureaucratic red tape in our own country, such as State Department delays in processing visas for Soviet visitors, and excessive Commerce Department reticence in issuing export licenses. This is not U.S. leadership. The President should be encouraging these and other agencies to be aggressive in facilitating U.S. business activity of this type—not making it harder for creative ventures to blossom.

And we need to go further. We offer low interest loans to small businesses in this country to facilitate economic development. We could create a similar program of credits or loan guarantees to U.S. companies willing to take some risk through joint ventures with enterprises in the Republics, where the purpose of the joint enterprise is to convert a military industry that produces items like missiles or submarines into a civilian industry producing useful goods for consumption or trade. These credits and loans can constitute another part of our investment for democracy that will be repaid in full, and yield even greater dividends in the currency of stability and peace.

Last month, Gen. Colin Powell testified that it was in the United States direct security interest to aid with defense plant conversion, and to address the root causes of civil unrest to make it possible for democracy to prevail in the former Soviet Republics.

Finally, we need to lend these Republics technical assistance in a whole host of areas, from building democratic institutions to managing natural resources. American know-how in the areas of finance, legal systems, energy development, manufacturing, communications, agriculture, public health, environmental protection, and many others is desperately needed by these Republics. This too can be an investment, not just a gift. It is the kind of assistance that will foster hope and belief among the people of these Republics and between their governments.

All over our country, our people sense the need to provide assistance, and are trying to respond. But there seems to be a lack of urgency in Washington, DC, in promoting and formulating such assistance programs. The administration has been talking about the need to provide such technical assistance for months, but has not offered Congress a plan or a price tag. We need real leadership and action by the President and the Secretary of State in this area, not just lip service.

Taken together, the actions I have outlined can have a real impact many times larger than their initial cost. The President and Congress need to place establishment of such a program high on our agenda. Rather than giving the Soviet Republics a handout, we would be investing in our own security. We would be investing in democracy and investing against another cold war. We would be investing in the construction of free societies and investing against civil war in a land which still has thousands of nuclear weapons.

An historical turning point that occurs once in a lifetime is upon us. We worked for it. We helped pay for it. Millions of oppressed people paid for it with their lives—from the gulag to the streets of Budapest, Prague, Berlin, and Moscow. Tens of thousands of free people lost their lives in the fight against this century's most tenacious form of totalitarianism.

We survived that fight—the world survived our battle with communism in Europe. But a new, virulent form of oppression could arise from its ashes. Democracy lasted 15 years in the Weimar Republic of Germany before hyperinflation and ethnic hatreds destroyed it and Hitler rose to power.

We Americans are not famous for our historical awareness. We are used to fighting against the dead hand of history—we believe passionately that we can write our own chapters of progress and that we are not doomed by ancient ethnic, racial, or religious feuds which beset other lands.

Eastern Europe and the former Soviet Republics are still weighed down by those feuds and unavenged wrongs. But they need not be drowned in them. Western Europe must now take on most of the responsibility of assisting Eastern Europe. The Western Europeans are on their feet and the United States carried a disproportionate share of the burden to get them there and keep them secure since World War II.

But the United States, along with Japan and other nations, must help as well. The cost will be a small fraction of the more than $100 billion a year we have been spending on the defense of Europe. The cost of not helping will be much higher for our Nation, and for our children.

What do we need most? Political courage from our leaders. Support from our allies. Vision from our most creative minds. Bipartisanship in Congress. Encouragement from the American people. These are all necessary if we are to make an International Investment for Democracy.

I am not proposing that we throw dollars at the problem. I want the bulk of post-cold war defense savings to be invested here at home in our own struggling economy, in the infrastructure and health of America and in deficit reduction.

But we should set clearly before our people, how American security requires us to promote cooperative international efforts to invest in democracy in the former Soviet Republics and in Eastern Europe.

If we, who are blessed with having only to face voters—we, who have never known the terror of military coups and knocks on our doors at night by the KGB—will show even one-hundredth of the courage shown by Eastern European leaders such as Imre Nagy and Walesa and Havel and Landsbergis, we will help assure that the fragile seeds of democracy will flower on the soil of former Soviet Republics and Eastern Europe.

Such an International Investment for Democracy will truly reap a harvest of peace and economic growth for our children and the children of the world.

Mr. President, I thank the Chair. I yield the floor. I thank my dear friend from Mississippi for his patience.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, may I inquire if the period for morning business was set to expire at 12:30?

The ACTING PRESIDENT pro tempore. The Chair advises that the Senator is correct.

EXTENSION OF MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the period for morning business be extended for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES P. COLEMAN, 1914–91

Mr. COCHRAN. Mr. President, my State of Mississippi is mourning the death of former Gov. James P. Coleman. He died September 28 from the effects of a stroke he had suffered last December.

He was one of the most gifted leaders our State has ever produced. He had the common man's perspective, and the insight of the intellectual. He was a scholar, but he was not aloof. He loved to laugh. He was in every sense a truly outstanding individual.

With all those traits and a zestful willingness to be involved in community activities and government, he became one of our State's most successful public officials. His first job in Government was secretary to U.S. Congressman Aaron Ford of Mississippi in 1935. He made quite a name for himself in Washington when he was elected over Lyndon Johnson in a race for Speaker of the Little Congress, the organization of congressional staff members.

After graduating from George Washington University Law School in 1939, he was elected district attorney. The next year he served as a delegate to the Democratic National Convention.

His legal and political career, so begun, was to be filled with many successes and only a few setbacks.

He served with true distinction in every office he held: district attorney, circuit judge, member of the Mississippi Supreme Court, attorney general of the State of Mississippi, Governor of the State of Mississippi, member of the House of Representatives of the State of Mississippi, and member and chief judge of the U.S. Court of Appeals for the Fifth Circuit.

My sympathies go out to all of the members of Judge Coleman's family. Like them and many others, I feel a deep sense of loss. I will truly miss the enjoyable and enriching visits with Judge Coleman in Ackerman, MS, and the benefits of his perceptive observations and his wise counsel.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, as I understand, the leader time was reserved.

The ACTING PRESIDENT pro tempore. The Senator is correct.

ANITA HILL

Mr. DOLE. Mr. President, I am certain a lot of us are concerned about weekend allegations. And I have been in the cloakroom listening for about 25 minutes to the press conference being held by Anita Hill, who apparently gave the Judiciary Committee an affidavit, which somehow was leaked to the press—and I do not want to question her credibility either way. But I think there are a number of questions she is raising in the press conference that ought to be at least investigated.

That is, she keeps talking about the Senate or them or the Judiciary Committee, but never identifies who she has been working with in the Judiciary Committee. She said she was contacted by the committee. Well, I am sure the whole committee did not contact her. Somebody on the committee contacted her. Somebody on the committee has been driving her to this result.

I would hope that we would find out, with all of the interest in the press in this weekend allegation, precisely who stimulated the effort in the first place; and how long they had known Anita Hill; if they had gone to law school with her; some say what committee they may be on in the Senate; whether the Committee on the Judiciary or some other committee; and what precisely they did and who leaked the affidavit over the weekend.

I think many of us feel the vote was postponed until Tuesday so there would be a weekend revelation. We are not totally naive in this body. So it came as no great surprise that on late I guess Saturday, or whenever the first information came over national public radio because we were aware of this; Senator MITCHELL and I had been briefed by Senators BIDEN and THURMOND.

But I think with all the emphasis being on what Anita Hill—again I do not question her credibility one way or the other, nor her integrity. Nor do I question Clarence Thomas' integrity. It just seems to me if we are going to get to the bottom of this and have all the facts—for there is no one who would not like to have the facts—we ought to find out who is driving this effort. Who is behind it? Why was she contacted? Why was she contacted again? Why was the affidavit leaked? Who has been involved in the investigation?

She keeps talking about "them." Who is "them"? I do not think it is Senator BIDEN. I do not think it is Senator THURMOND. "Them" must be somebody either in the Judiciary Committee or someone in the Senate.

So we need to find out what she means when she refers to the Senate—the "Senate Judiciary Committee," "them," "staff"? What precisely took place in all these conversations and what was she advised to do by certain staff people or anybody else? Maybe if it is a Senator, that is something else. So I hope that information might be forthcoming as well.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A STEP IN THE RIGHT DIRECTION

Mr. DECONCINI. Mr. President, 11 days ago, President Bush demonstrated that every now and then he is able to grasp what he has referred to as "the vision thing." In so doing, he backed this country—and indeed the world—one step further away from the nuclear abyss. I congratulate him for his boldness and for his leadership. He took a step that needed to be taken. Indeed, his bold gesture of last week has been met and matched by President Gorbachev's equally courageous announcement of last Saturday night. Perhaps the cynics are right—only Nixon could open the doors to China.

In some ways, however, the President merely made a virtue out of necessity. In his speech, he announced the cancellation of the MX Rail Garrison Program. But that same week, the Senate voted 67–33 to terminate the rail portion of the program. In his speech, he also announced cancellation of development of the short-range attack missile. But that week, the Senate passed a Defense Appropriations bill for the new fiscal year which contained no funds for the program.

On balance, however, the President has finally recognized that the philosophy of nuclear terror which has underpinned this country's relationship with the Soviet Union must undergo a radical re-evaluation. The world we face today is different than the world faced by Presidents Eisenhower, Nixon, or Reagan. The Soviet Union we face today is vastly changed from the one which faced President Bush only 2 months ago.

The Warsaw Pact no longer exists. Germany has been united. The Baltic nations are free and independent. Members of the Soviet military high command have been briefed in the bowels of the Pentagon. A reformist civilian now heads up the KGB. Statues of Lenin have been reduced to scrap iron. Even Leningrad once again bears its original name of St. Petersburg. It is about time that the new world order be allowed to become a reality.

Mr. President, I say that the new world order must begin at home. Do we really need 75 B–2 bombers—at a cost of more than $865 million each—especially when the President has taken our B–52 and B–1B bombers off alert? That money, I believe, could much better be spent in Arizona on education. Do we really need to spend $4.5 billion more on a star wars program which has already received more than $20 billion, whose architecture changes every year, and which has nothing to show for it? That money could better be spent on Arizonans who need health care, and child care, and nursing home care. Some of those funds could also be better spent toward making a dent in our $3.6 trillion national debt.

I know there are Arizonans who are very concerned that we are mortgaging our children's future by maintaining these astronomical deficits. I know there are Arizonans who want their President to focus his attention and his policies on Flagstaff and Yuma, not Frankfurt and Yalta.

Some in this body have argued that our hands are tied because of the budget agreement entered into last year. I disagree. I believe the new world order requires us to break this already outdated agreement, not by increasing spending, but by allowing us to transfer funds from the Defense budget to the domestic budget and apply it to the national debt. I voted against that agreement, not because I knew what the future would bring, but because I believed that it was the wrong deal for the wrong time. I am more convinced than ever that I cast the right vote on that issue. Since entering into that deficit cutting deal the deficit has grown, not diminished. The Bush administration recently raised its estimate of the fiscal year 1992 budget deficit to $350 billion. We are in a recession and we face a real emergency—not across the ocean in foreign lands, but across the street and in our own backyards.

Thousands of Americans are hurting. Too many people in your country cannot find a job, Mr. President. Unemployment, education, drugs, and health care are not guests you can invite to a State dinner at the White House, but they are real issues facing real Americans.

Be truly bold, Mr. President. Demonstrate that you really do have more of the vision thing when it comes to helping your own people. We can make deeper cuts in strategic modernization and other areas of the Defense budget. The threat of a global, nuclear conflagration at a time when some in your administration are looking for ways to provide foreign aid to the Soviets is unthinkable.

I agree that we still require a smart national defense. There is no question that our conventional weapons systems must continue to be upgraded. We must continue to fund research and development of new technologies. We must continue to train and care for those men and women who chose to make the military a career, while at the same time reducing the overall size of the active and reserve components of our fighting forces. We must be smart to avoid the hollow forces of the seventies.

But we also be bold and tackle the burgeoning deficit and the very real human needs here at home. We can afford to cancel the B–2 bomber and spend no more than $3.5 billion annually on the strategic defense initiative. Indeed, we cannot afford not to.

LEON STEWART IS NAMED A GI JOE REAL AMERICAN HERO

Mr. CHAFEE. Mr. President, I would like to congratulate Leon Stewart of Pawtucket, RI, for being named a national winner in the GI Joe Real American Hero Search. The search honors children aged 5 to 12 throughout the country who have performed outstanding heroic deeds.

When a fire broke out in the family's apartment last March, Leon, who is 7, first carried his 4-year-old brother outside to safety and then went back into the apartment to rescue his 1-year-old brother who was sleeping in his crib. Firefighters were able to put out the blaze, and thanks to Leon's quick thinking, no one was hurt.

As a national winner, Leon and his family were flown to Washington for a weekend of sightseeing and other activities including an award ceremony hosted by Adm. Richard Truly of the National Aeronautics and Space Agency [NASA] and a meeting at the White House with First Lady Barbara Bush.

I know Leon's family must be extremely proud of him. I am pleased to have this opportunity to recognize his courageous act.

ST. GEORGE, UT

Mr. HATCH. Mr. President, I would like to recognize the city of St. George, UT, located in southwestern Utah. It has grown into a beautiful, thriving community, and I would specifically like to mention two Utah resolutions that honor the city of St. George for its recent recognition as the ideal retirement community in the West, in addition to its other outstanding features.

Utah House Concurrent Resolution 25, which was written by Representatives Robert A. Slack and James F. Yardley, honors St. George as a city of rich western flavor, with a strong cultural heritage. Its welcoming atmosphere boasts a low cost of living, a warm climate, ideal services, retirement housing, and leisure living.

St. George always makes a specific effort to include and involve its retired citizens in every aspect of the community. For example, Utah is honored to have St. George as the site of the 5th Annual Huntsman Chemical World Seniors Games, to be held October 14–25, 1991. Athletes over the age of 50 from all over the world will be competing in various sporting events, including swimming, basketball, softball, cycling, tennis, road races, golf, bowling, horseshoes, and track and field.

State Senator Dixie L. Leavitt has also introduced Utah Senate Concurrent Resolution 133, enlisting the support of the Utah Legislature for plans to construct the Hurst baseball complex on the Dixie College campus. Mr. Hurst, a major league pitcher, is a native of Utah and considers Dixie College to be his alma mater. He is one of the most successful professional baseball players to come from Utah, having won two games with his team in the memorable 1985 World Series. He is a wonderful role model for our youth. In addition to the baseball complex, a Bruce Hurst baseball endowment will be create to fund field maintenance, Dixie College baseball scholarships, Sports Hero Day, and baseball clinics. There is a definite need for this complex in St. George, and I support Dixie College and the city of St. George in its plans to construct this exciting facility.

Mr. President, it is my pleasure to make you aware of these resolutions on behalf of St. George, UT, and I would like to express my gratitude for the

motivated community spirit and national pride that the citizens of St. George exhibit.

TRIBUTE TO CAROLYN FUNDERBURK NICHOLS

Mr. HEFLIN. Mr. President, I was saddened to learn of the death of Carolyn Funderburk Nichols, whose husband, former Congressman Bill Nichols, was one of our Nation's leaders in national defense policy.

The late Congressman Bill Nichols was recently honored with the 1991 "Senior Award of the Section on National Security and Defense Administration of the American Society for Public Administration," for his leadership in securing the passage of the Nichols-Goldwater Department of Defense Reorganization Act. Unfortunately, Mrs. Nichols was too ill in the hospital in Birmingham to attend and accept this award on his behalf.

Carolyn was a long-time friend of my wife Elizabeth Ann and mine. Carolyn was a steadfast supporter of Bill throughout his career of public service and she was always helping him in every way possible.

There are many traits that one remembers about a person, and what I remember most about Carolyn was her beautiful appearance, her warm smile, and gracious southern style. Carolyn was always ready with a helping hand and an open heart, and she will be missed by her many friends here in Washington and in Alabama. She is survived by three children and three grandchildren, and expressions of condolence can be sent to the family in care of her daughter, Memorie, and son-in-law, Chris Mitchell, whose address is 3112 Pine Ridge Road, Birmingham, AL 35213.

LIMITATION ON ASSISTANCE TO THE SOVIET UNION

Mr. PRESSLER. Mr. President, in July the Senate passed my amendment to the foreign aid bill placing conditions on assistance to the Soviet Union to prevent hard-earned United States taxpayer dollars from being misspent on bailout programs for the Soviet Central Government. While events in the aftermath of the hardliners' failed coup attempt have been positive—including independence for Estonia, Latvia, and Lithuania and increased power to the republics—now is not the time to give large loans and grants.

I regret that this amendment, which the House of Representatives also had passed, was deleted during conference action on the foreign aid bill. The amendment would have helped us achieve our goals of a less threatening Soviet Union, and would have helped those who advocate a complete transformation of the Soviet system. Our policy should be to promote substantive economic reform in what is left of the Soviet Union—a rejection of state planning in favor of economic liberty for individual entrepreneurs.

My amendment would have conditioned any assistance on true systemic reform—privatization, lowering of defense expenditures, and political reform—including respect for the right of all republics to self-determination. I do not oppose limited technical assistance and humanitarian food aid, but assistance should go only to those who really need it.

Mr. President, I ask unanimous consent that the text of an op-ed article that appeared in the September 23, 1991, Washington Times be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 23, 1991]

"GETTING THE BEAR HOOKED ON AID—REQUIRING PROOF OF PERFORMANCE—"

(By Larry Pressler and Jon Kyl)

(Larry Pressler, a South Dakota senator, is the ranking Republican on the European Affairs Subcommittee of the Senate Foreign Relations Committee. Jon Kyl, Arizona Republican, is a member of the House Armed Services Committee.)

Since the collapse of the attempted coup in Moscow, there has been a mad dash in Congress not only to provide billions in aid to the Soviet Union, but to do so without the conditions necessary to ensure that such aid would be effective.

In June, concerned that such aid would simply prop up the central government (which later attempted the coup) and unconvinced that Soviet President Mikhail Gorbachev was committed to an effective plan for true reform, we offered, and the House and Senate passed, an amendment to the Foreign Assistance Authorization Bill conditioning any aid on several key requirements. The fact that some of those conditions (such as independence for the three Baltics) are now being met does not mean that the conditions should be removed from any aid package. Secretary of State James Baker recently agreed that before the United States could provide aid. "There has to be a commitment to true free-market economic policies . . . and there must be some sort of plan." He added, "There [also] have to be answers to the questions about where economic power resides." Obviously, those are minimum conditions.

Reductions in Soviet military spending, elimination of foreign aid to countries such as Cuba, adherence to basic human rights (including in the republics), meaningful commitments to a market economy, and full disclosure of data to determine Soviet creditworthiness, are all essential conditions of an effective aid program. A mere promise of future action is not enough; good intentions are no substitute for action. The point of conditions is not to demand success (or there would be no point to the aid), but rather to require proof that the Soviets are really trying, not just saying what we want to hear.

There is no reason to believe conditions would pose a problem—Russian Federation President Boris Yeltsin and even Mr. Gorbachev seem to genuinely desire to do the right thing. In fact, conditions will help because they are a form of technical advice, which everyone seems to support. The right conditions will help the Soviets help themselves.

Some members of Congress, including Rep. Les Aspin, Wisconsin Democrat, chairman of the House Armed Services Committee, advocate that part of the defense budget should be used to bolster the Soviet economy. We agree: But money should come from the Soviet defense budget, not ours. The Soviets spend an estimated 32 percent of their gross national product on defense, compared to less than 5 percent of GNP spent by the United States. Immediate reductions in Soviet defense spending and reallocation of funds to their private sector could help avert a potential economic collapse. According to the Center for Security Policy, the Soviets could immediately gain $4 billion simply by closing down their worldwide disinformation activities.

Senate Armed Services Committee Chairman Sam Nunn, Georgia Democrat, and others correctly point out that defense conversion is very difficult. They suggest we should help the Soviets through that process. The 70,000 defense workers in the United States who are losing their jobs because of our 25 percent reduction in defense spending will confirm just how tough defense conversion is. Families suffer, communities suffer and the political decisions are not easily made (which is why U.S. military bases could not be closed by Congress—a blue ribbon commission had to perform that politically unpopular task).

The American taxpayers will want to know that the Soviets are doing everything they can do before being asked to help, and it's hardly an unreasonable request. It is unthinkable that American money should subsidize Soviet weapons production.

Some in Congress also want to cast aside another essential condition of the Kyl-Pressler amendment, "disclosure," which protects taxpayers from being drawn into a financial debacle potentially greater than the savings and loan bailout and the Bank of Credit and Commerce International. Financial experts worldwide have been virtually unanimous in concluding that the Soviet Union is facing a monumental debt crisis and will not be able to repay past debts, let alone future ones. The Soviet Union owes approximately $62 billion in foreign debt—mostly to European banks, with Germany leading the list.

These financial experts fear that the debt crisis in the Soviet Union could very easily go the way of the Latin American debt fiasco—leaving American taxpayers holding the bag with bad loan guarantees (just like the savings-and-loan bailout required). American taxpayers deserve the protection of disclosure—they are fed up with their own debt-riddled government, let alone foreign debt forgiveness (such as to Poland, Egypt and Senegal).

In addition, if our money is distributed by the Soviet central government, are we fostering the suppression of all people's right to self-determination? What about the Romanian people of Moldavia—themselves the victims of the same Hitler-Stalin pact that swallowed up Estonia, Latvia and Lithuania for 51 years? The brave leaders of this nation have declared independence citing the illegality of their annexation into the Soviet Union through military occupation. Today they stand alone outside of discussions on a new union, without recognition of their independence but not without hope.

Finally, even if the Soviet Union meets the other conditions of the Kyl-Pressler amendment, can we afford it? We have unmet needs

in this country. We are deeply in debt. Our economy is in a decline; 6.8 percent of Americans are out of work; the public debt has reached $3.7 trillion and the GNP is down 2.8 percent for the first quarter of 1991. We cannot afford new taxes to fund a massive aid program, so any aid must come from something else.

We do not object to humanitarian assistance, provided it can be assured that the aid will get to the people that need it and not the same old Communist Party hacks that created the disastrous system in the first place. And, technical advice is certainly in order. But any significant monetary assistance, whether direct or through organizations like the International Monetary Fund or World Bank, must be conditioned to ensure that taxpayer dollars are not wasted, that goals important to the United States are satisfied. Our interest is in a more democratic, less threatening Soviet Union. We must be convinced that any U.S. assistance will have a reasonable prospect of advancing that goal. Conditions are critical to that assurance.

It has been said that winning freedom is easier than keeping it. We have a stake in helping those who live in what was the Soviet Union keep their newly won freedom. We have an even greater stake in maintaining our own freedom and economic prosperity.

EXECUTIVE SESSION

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of Executive Calendar No. 318.

The clerk will report.

The legislative clerk read as follows:

The nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER (Mr. REID). The Senator from Utah.

Mr. HATCH. Mr. President, I have been very concerned with the events that happened over the weekend. As a matter of fact, before I left last Friday, I made the prediction that over the weekend, Clarence Thomas would be smeared, and he has been. I have known Clarence Thomas for 11 years. And I can tell you that this is a man of integrity, of unimpeachable integrity and decency.

Mr. President, I want to read a memorandum from the chairman of the Judiciary Committee to me. It is dated today, October 7, 1991.

I want to take this opportunity to correct erroneous news accounts in certain newspapers this morning. Contrary to reports, Anita Hill first contacted the full committee staff of the Senate Judiciary Committee on Thursday, September 12, at which time she was referred to committee investigators, as is the committee's standard practice. Any statements that she was first contacted by investigators for the full committee staff of the Senate Judiciary Committee on September 3, or any other date, are categorically false.

Mr. President, this is a very important memorandum because she was contacted by staff members of one of the Senators in this Senate who were not investigators of the full Judiciary Committee. And I want to talk about that because I think what has gone on here is reprehensible.

First of all, it usually takes 1 day to call up a Supreme Court nominee—even the controversial ones—and a vote at the end of the day. And in the case of Clarence Thomas it should not have taken more than 1 day. Every procedural rule was invoked to make sure that it was carried over after Friday of last week, knowing that we were going to go on recess for 10 days. We were able to work out a unanimous-consent agreement by playing hard-ball behind the scenes, and now we have a vote scheduled for Tuesday at 6—4 days of alleged debate. And we have had 2 of those days, Thursday and Friday, of this last week. And I knew the minute we all got out of town that there would be an October surprise—that is what we call it in politics—a surprise, the Monday before the Tuesday election. Only this happened the Saturday before the Tuesday.

It happened over the weekend while all of us were out of town. And it was just as predictable as that clock is most of the time.

Mr. President, the integrity of the Senate's confirmation process is in a free-fall. I have absolutely no quarrel with Chairman BIDEN's conduct of the hearings. I respect him. He has been very fair to the Republican side during this process and to everybody else. But the process itself has careened out of control. It is becoming totally politicized, buffeted by rule or ruin special interest groups, more and more politicized with each new nomination, targeted in advertising campaigns—and I have to admit there was some advertising for Clarence Thomas he did not want, I did not want, the President did not want, nobody wanted. That was wrong here, just as wrong as what is being done on the other side. This process has been more and more politicized with each new nomination, targeted in advertising campaigns, producing trumped-up charges, distortions, and misrepresentations like mushrooms after a spring rain, which are repeated no matter how completely or how often rebutted.

Where will this process settle? How low will it sink? Apparently, some of the opponents of a Republican President's Supreme Court nominees have yet to show how low they will go in their mean-spirited campaigns to block a particular nominee.

This year, we have learned that some such opponents would subvert the judicial process itself to stop Judge Thomas. They revealed to the media, and perhaps others, what they purported to be the contents of a draft opinion not yet finished in a pending case. That is unethical. Instead of urging condemnation of such a breach, some of my colleagues have used the alleged draft opinion as a basis to question the nominee's veracity as well as evaluate his judicial performance.

The latest spectacle involves an incident or incidents of alleged sexual harassment by Judge Thomas nearly 10 years old. And I say alleged. Let me be clear. I do not minimize sexual harassment on the job if it occurs. And in this case, it did not occur. I feel confident in saying that, having known Judge Thomas for so long and having known his reputation, having watched him in action, having him work with probably thousands of women in the jobs that he has worked in. But, Mr. President, I believe this recent allegation—and that is all that it is—needs to be put in proper perspective.

Let me note that this allegation was before the Judiciary Committee prior to the committee vote. If one person had it an hour before, I cannot speak to that. All I know is I knew about it days before. At the request of the committee, the administration had the FBI look into it. The FBI's report was available prior to the committee vote. Not one member of the committee raised the allegation as a matter bearing on this nomination or sought further investigation of the allegation. Not even those who were speaking out so forcibly right now. And they knew about it. Let me just tell you, they knew about it.

Allegedly, the harassment occurred while the accuser was working for Judge Thomas while he was Assistant Secretary for Civil Rights at the Department of Education. This is a position to which he was appointed back in 1981, 10 years ago. Did the accuser file a complaint with the Department of Education, with the Department's Equal Opportunity Office? No. Did the accuser complain to the Inspector General or the general counsel or to anyone else at the Department? Apparently not.

The individual worked in a civil rights office, after all. She was not working in just any office. She worked in the Office for Civil Rights where peoples' equal rights was the every day work of the people there.

I think she was around 25 years of age at the time, and I believe she was a Yale law graduate. In any event, she was certainly highly educated, presumably working in that Department, working with the top person in that Department; presumably she knew her rights. Did the individual at that time complain to the Equal Opportunity

Employment Commission? No. Did she come forward to disclose this alleged harassment when the judge was nominated to that agency? No. He was nominated to chair the Equal Employment Opportunity Commission, the most important governmental agency dealing with sex discrimination and harassment in the workplace. Did she come forward to disclose this alleged harassment at that time? No.

Instead, she went to the EEOC with Judge Thomas to work for him there. This is clearly after—allegedly—he had sexually harassed her.

Does she claim that he touched her? No. Does she claim that he abused her? No. She claims that the words that he used were sexually harassing and, under the law, if it is as she has explained, that can possibly be sexual harassment, if the truth is being told.

I ask my colleagues, is the behavior of this person, accompanying Judge Thomas to another job, indicative of someone who has been sexually harassed? I think the behavior is inconsistent with the allegation.

I have to say this individual presents herself well. I watched the press conference. There is no question she is extremely intelligent. There is no question that she presents herself well. And I am not going to say anything more on that. But I will say that, long before full committee staff interviewed her, she had been interviewed and talked to by other Senate staff members—not of the formal—according to Senator BIDEN—not of the formal full committee staff of the Judiciary Committee.

I have seen some of them operate and especially some of those who are of the suspected Senators' staffs.

As I understand it, the accuser in this case said she was also harassed at the EEOC. Did she complain to the relevant official there? Apparently not. She then left the EEOC in 1983.

When Judge Thomas was nominated for a second term at the EEOC, did his present accuser come forward? No. By the way, Judge Thomas went through a full confirmation process then for chairman of the very Commission that deals with these issues all over this country. Why did this accuser not come forward then? It seems to me she owed it—if it was true—she owed it to come forward at that point to every other woman in the country if these allegations were true. But she did not.

When Judge Thomas was nominated for his position as judge of the court of appeals, did she come forward then and make this accusation? No. Everybody knew that Judge Thomas was being nominated for the Circuit Court of Appeals for the District of Columbia because everybody knew that Justice Thurgood Marshall was getting up there in years; that he might retire.

Here is a young superlawyer who literally could take his position. Everybody knew that. Everybody knew he was on the fast track. That was the language used by the media and by almost everybody, even my colleagues on the Judiciary Committee, at the time.

Did she raise these issues then? That was the time to raise them. No. She did not raise them until staff, not of the formal, full Judiciary Committee, staff other than the Judiciary Committee's formal staff, came to her. And I am sure they went to everybody who worked with Clarence Thomas in all of these positions, or at least a high percentage of the women who worked with him.

When the judge was nominated to become an Associate Justice of the Supreme Court, did the accuser come forward and testify? No. We heard testimony from 100 individuals but not from this individual. The privately made accusation was then investigated by the FBI. It was an accusation made after other staff of one or more of our Senators came to her and talked to her about this nomination.

The FBI report was available to every Judiciary Committee member before its vote and has been available ever since then. No Senator on the committee or during the 2 full days of floor debate has even alluded to it, much less suggested we should delay consideration of the vote, until somebody, some eminent U.S. Senator, leaked it through staff probably this weekend after we all went home. In fact, I was in Utah when I first heard that it had been leaked to the press. Indeed, no one had asked for further investigation during that entire time. One of the reporters who broke the story told me that it was such a close question whether to even use it, but on balance the reporter had to use it. I cannot blame the reporter. It is a story. It is a story that could ruin a very good person's life, I think two good people's lives because I was impressed with her as well.

I am concerned because I have seen some of the staff operate. Once witnesses make a statement or are pushed into making certain statements—and I am not sure that happened here, but I certainly suspect that this may have occurred—then that person is stuck with the statements.

Now, if we are to credit these charges now, these allegations under these circumstances, the Senate will have effectively surrendered control over its own processes. Anybody will be able to wait indefinitely, and either wittingly or unwittingly, in conjunction with those who have access to confidential committee information, cause calculated disruption in the confirmation process.

In light of the incredible 10-year delay in the surfacing of this accusation across three different and extremely important prior confirmations of the same nominee, does any Member of the Senate believe this episode breaking into the media at this time is about sexual harassment? I am sure some would like to believe it. This leak of confidential committee information appears to be nothing more than an orchestrated ploy by bitter enders up here, the desperate twitching of those engaged in a dying effort to kill the nomination of this decent man and this worthy person. This has all the earmarks of a political campaign which finds itself 20 points down on the weekend of the election.

How low is this process going to sink, Mr. President? I think we have until 6 p.m. tomorrow night to find out. But let me tell you I am really concerned. I am really concerned. The woman who is making these allegations claims that she is not involved in a political ploy, but she clearly is. It may not be of her making, but she clearly is, even if unwittingly. She is approached by staff of some Senator or Senators up here—not the chairman's staff, not the committee's formal staff, but someone else's staff. Her affidavit is leaked to the media. She did not want to go public, according to her, so someone with access to confidential committee material leaked it. She said she never came to the press; the press came to her and read from her affidavit. Now, someone is playing politics and using this individual who would not publicly make this charge and did not want to go public according to what I just saw on television.

Interestingly enough, no one on the committee made this an issue until we all left Friday to go home this last weekend.

Incidentally, how hostile an environment could these alleged, but I repeat alleged, behaviors have created? Like I say, she served with him and went with him to the EEOC as one of his top aides, and now all of a sudden we have these problems. Mr. President, pardon me if I doubt the allegations.

Last but not least, I have known Clarence Thomas for better than 10 years. I have participated in every one of his confirmations. I presided over three of his confirmations as chairman of the Labor and Human Resources Committee. And I am on the Judiciary Committee now participating in the fifth confirmation in 9 years. And I have to tell you I know Clarence Thomas very well. I know his wife. I know his son. And now, since the hearings, I know his mother and sister, and they are fine people. To have a 10-year-old allegation come in here now and try to blow him out of the water on the weekend before the final vote in an October last-ditch, last-second political surprise, I think is reprehensible.

If it was literally a decent approach and somebody felt so strongly about it, then that somebody on the committee should have brought it up during the committee process. But to be honest with you, nobody wanted to do that because they know that anybody can

make these allegations at any time, however sincere and however sincerely wrong, and the poor person against whom the allegations have been made will have to live with those allegations the rest of his life. It is that simple.

On the other hand, if true sexual harassment had occurred, I could never condone it. The fact is these are tough issues, these are tough areas of the law. And although you do not have to have formal, overt physical action to have sexual harassment, I still say that in most cases where people or jurors feel strongly about it, there has been physical contact or the person has been fired from the job, or demoted, or shoved off to the side and not given anything to do, or mistreated or demeaned among her fellow associate workers, or not given an opportunity for promotion.

In this case we have a situation where the woman says, in effect that he talked dirty to her. I have to tell you that I confronted Clarence with this and Clarence said, Senator, I would not have done it. I did not do that. And I do not know why in the world she would be making these statements, and especially at this time, other than the fact that I am up for Supreme Court Justice.

I have to say again that I felt she presented herself well. But I then go back to staff and some of the manipulations that I have seen in the past by staff—I refer, again, to chairman BIDEN's memorandum. "I want to take this opportunity," Senator BIDEN says, "to correct erroneous news accounts in certain newspapers this morning."

"Contrary to reports, Anita Hill first contacted the full committee staff of the Senate Judiciary Committee on Thursday, September 12," 10 years later, by the way, "at which time she was referred to committee investigators, as is the committee standard practice. Any statements that she was first contacted by investigators for the full committee staff or the Senate Judiciary Committee on September 3 or any other date, are categorically false."

I think that says a lot, and I would like to, by implication, indicate that I think it means a lot. I make my judgments in these matters, and we have to, by knowing the people and by watching them. I am not going to find fault with Ms. Hill. She has to live with whatever she said. And I looked at that, and I believe she is probably sincere.

On the other hand, I know Clarence Thomas and I know him well. I have never seen anyone who worked with him—and I talked to all kinds of people at the EEOC who have worked with him—who has not been highly supportive of him and who has not praised him greatly, at least those who worked closely with him.

I think the overwhelming weight is on his side in this matter and I hope, Mr. President, that we will not put this off. Putting it off will not make any difference at this point. We know that it is one person's word against the other.

Frankly, I think under the circumstances the facts just do not line up on the side of Ms. Hill. They just do not line up. Her story just does not make sense in its fullest sense. Although I am willing to say that I liked her and feel that she is trying to present herself in a very good way, I think it is important to acknowledge that there may be other explanations as to why she currently feels the way she does now in the fifth confirmation of Clarence Thomas, and the most important confirmation of all.

Mr. President, I am concerned to have anybody treated this way. I am concerned that Ms. Hill has not been treated properly as well.

But I think we should go forward with our vote. Senators ought to make up their minds. They ought to do what they think is right, and we ought to vote one way or the other. I for one am going to vote for the man that I have known for a long time. I have chatted with his associates, and all of them have been highly favorable to him and consider him an honest, decent, morally upright good man who has treated them with dignity, respect, and equality, who understands the sting of discrimination, and now understands the sting of accusation.

I just have to say that I think what this has come to is pitiful. It might have had a little more credibility had it been brought up during the appropriate time rather than as an October surprise right before the Tuesday vote over the weekend, while we were all out of town. It might have had just a little more credibility. And even then, the facts are pretty hard to swallow, Mr. President.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, Clarence Thomas, was nominated with an aura, a presumption, of being confirmed.

An African-American, a man born in poverty, an individual who struggled to the top of his profession against overwhelming odds, who sits on the U.S. Court of Appeals, and seems destined to serve on the U.S. Supreme Court.

I accepted George Bush's nominee with an open mind, looking forward to the confirmation hearings as a way to learn about Clarence Thomas and his compelling personal story.

Although I knew from the outset that our views were very different, I had every expectation that I would be won over by his sense of the law, his mastery of the law, and his personal strength of character. But when the votes to confirm Judge Thomas are tallied, presumably tomorrow, mine will not be among them. I will vote against Clarence Thomas.

Judge Thomas' performance at his confirmation hearings was a tremendous disappointment. Rather than demonstrate personal integrity, he ran away from his record. Rather than demonstrate legal scholarship, he was unable to summarize the basic holdings of key court decisions.

When asked to analyze cases, he was tonguetied. When asked about legal philosophy, he appeared woefully uninformed.

Throughout this process, the administration has argued that Judge Thomas' childhood—almost alone—justifies his appointment. The cruel irony is that Judge Thomas himself seems to have abandoned Pin Point, GA, many years ago.

As Pat King, an African-American law professor at Georgetown University testified:

> In remembering where I came from, I also remember very bright, young, black people who were not as fortunate as I. * * * Somehow Judge Thomas seems not to remember those he must have encountered along the way.

Sadly, the hearings showed a Clarence Thomas who is an intellectual opportunist, picking up scraps of conservative legal thought to advance his career—not a lawyer of intellectual distinction.

They showed a man who would bring profound mediocrity to the Supreme Court rather than judicial excellence. They showed that—as he has done throughout his administration—George Bush has lowered his standards in an attempt to forward his ideology.

And we in the U.S. Senate are being asked to lower our standards, too, Mr. President.

Dean Irwin Griswold, former Solicitor General of the United States, testified to the awesome risk of confirming someone without intellectual distinction.

Yale law professor, Drew Days, in discussing Judge Thomas' legal skills, said Judge Thomas displayed "a very superficial and sloganistic approach to complex issues."

Stanford law professor, Thomas Gray, characterized Thomas' outlook on legal issues as "wooden." The dean of Clarence Thomas' alma mater, supposedly speaking on Thomas' behalf, could only muster the hope that Thomas may change.

It is unacceptable for the President to ask us to lower our standards to fill this position. The U.S. Supreme Court is the highest Court of our land. Its decisions touch the lives of all Americans, each and every one of us. Whoever is picked for the Supreme Court will, in great likelihood, be there for another two or three or four decades, shaping the future of our people and the kind of country that we will be.

I cannot vote to grant lifetime tenure to an individual who is simply not qualified; who seems to lack basic legal knowledge; who has shown disdain for the enforcement of the law; and whose judicial philosophy is either hesitant and vague or, frankly, at odds with the full exercise of constitutional rights by those on whom he will sit in judgment. We cannot predict whose fate Judge Thomas will determine.

Six months ago I would not have believed that medical professionals in clinics across the country would have their right to speak freely attacked.

Two years ago I could never have imagined that the Supreme Court would take the lead in rolling back 30 agonizing years of civil rights progress. Indeed, the entire right to privacy—the fundamental right of every American to be left alone by their government save for truly compelling circumstances—is under attack.

Whose rights will be threatened next year or 10 years from now—we do not know. But I am not confident that Judge Thomas will defend those rights.

By nominating Judge Thomas, George Bush is doing what he has done throughout his political career, cloaking his true aims in the colorful camouflage of symbol—using Clarence Thomas's race and background to cloak an agenda that threatens the basic constitutional rights of Americans.

Who cannot help but feel a vicarious pride in Clarence Thomas' success? We want to believe that this person's triumph shows that we have begun to put America's ugliest chapter—our history of racism and discrimination—behind us.

But who cannot but fear that his history has become a prop, a tool to wedge apart the U.S. Senate as it attempts to fulfill its constitutional mandate to advise and consent.

We cannot afford to put symbols on the Supreme Court. Too many people are endangered.

And yet, when given the opportunity to demonstrate that he was more than a symbol, Clarence Thomas fell short.

It was disheartening to watch a man—almost line by line—deny his own intellectual history, dismissing writings and thoughts with a wave of his hand. What speech or article from his past is left? Was he wrong? Or merely shallow? In any case, he could not begin to fill the vacuum he created.

Nor did he try. I was stunned at the sight of an overcoached Clarence Thomas sitting before 14 Senators and systematically dodging any question which might allow us to judge him—to get to know who the real Clarence Thomas might be.

Clarence Thomas failed time and again to demonstrate the intellectual distinction compatible with the office of Supreme Court Justice. Some of the great minds in this Nation's history have served on the Supreme Court.

I do not expect every nominee to be a Brandeis or a Holmes, but I expect a basic understanding of constitutional doctrine.

And more to the point, I expect intellectual curiosity from a Supreme Court nominee.

Mr. President, in a city where every intern and aide on Capitol Hill has an opinion on every significant piece of legislation; where every baseball fan can tell you who will win the World Series and why; where every computer programmer can discuss the pros and cons of a hundred different software packages; Clarence Thomas is not engaged enough to form an opinion about Roe versus Wade, the single most controversial case to come before the Supreme Court in the last 20 years.

Judge Thomas' appointment is a retreat from excellence. Another triumph of mediocrity, engineered by George Bush. Another sacrifice of quality to expediency.

I wish I could believe that Clarence Thomas will grow—that in 10 years we will see a mature and respected jurist, with a coherent philosophy and commitment to protecting the individual rights our Constitution has conferred upon us.

If Judge Thomas is confirmed, he will immediately face some of the most challenging issues of the last 10 years: School prayer, limits on free speech, and school desegregation.

What, then, can we expect from this man, who generates no heat and light of his own but like the Moon, reflects only the glow of the stars around him?

I fear that on a conservative bench we can only expect him to join the assault the Rehnquist court has mounted, on free speech, on reproductive rights, on due process, and equal protection.

Judge Thomas' experiences have not given his writings and beliefs a unique tenor. Yes, Judge Thomas brings diversity to the Court through his personal history. Unfortunately, his views appear to be far less distinctive.

I fear, based on his record and testimony, that he is just another in the swelling chorus of activist conservatives dedicated to rolling back the constitutional rights of the American people.

Judge Thomas appears to be a fine man with a considerable record of personal achievement. However, a Supreme Court seat is a precious commodity. Mediocrity, inconsistency, opportunism—these are not the currency of Supreme Court nominations.

I demand, and I hope my colleagues will join me in demanding intellectual excellence and commitment to constitutional rights, before I will give my consent to any Supreme Court nominee.

I yield the floor.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, Judge Clarence Thomas is my personal friend. When I was called by the White House on July 1 and told that he would be nominated for the U.S. Supreme Court, that was one of the happiest days of my life.

I have known Clarence Thomas for 17 years. I hired him when he was a law student at Yale and asked him to come to work at my office in Jefferson City when I was State attorney general. He worked for me again in my Senate office. I have kept close touch with him ever since. I know him very well.

It was one of the happiest days of my life because, first, I believed that the Supreme Court was getting a person who was very well qualified for that job. I know that the President said that he was the best qualified person for the job. Of course, the detractors of Clarence Thomas have rushed to attack that particular proposition. But I honestly believed and do believe that he is the best person for the job. I think he is the best person for the job not only because of his ability but because of his humanity, because of his background, because of the experience which he brings to the Supreme Court, and because of his character.

One of the questions that the President asked him at Kennebunkport—Clarence Thomas has related this in a number of discussions since—was can you and our family take what is going to follow?

And Clarence Thomas, without thinking about it very much, answered, "Yes, I can."

My guess is, Mr. President, that if he were to have been asked today whether to submit his name for the Supreme Court, his answer would have been "no."

I just happened to be at a dinner party last night and a member of the Supreme Court was at the dinner party, and I asked this individual whether it was worth it, and this sitting Supreme Court Justice said to me, "If I were asked now to serve on the United States Supreme Court, if I were asked to allow myself to be nominated, my answer would be in the negative."

Mr. President, I would submit that something is very wrong here, something is very wrong with this process, something is very wrong when the President of the United States asks on day 1, "Can you take it?" And something is very wrong when a sitting Supreme Court Justice says that this person would not do it again.

In the Senate Intelligence Committee we are having prolonged hearings. They have extended over a period of weeks into the nomination of Robert Gates to be Director of the Central Intelligence Agency.

It is somewhat the same story there. Here is a person who is a career intelligence officer, and day after day he is pilloried for the great ethical violation of the intelligence community, namely, cooking intelligence analyses.

That is what we do to nominees. That is what has happened to Clarence Thomas, and it has happened right from the beginning. All kinds of awful allegations have been made about him.

I have been told by a high official at the EEOC that the switchboard at the EEOC has been lit up by phone calls to EEOC personnel by various representatives of activist groups trying to, in the words that I have heard to describe these calls, "get the dirt on Clarence Thomas." it is a mission to get the dirt on Clarence Thomas.

But I have known this person for 17 years, and I attest to the man's character. And all kinds of people have come forward who have known Clarence Thomas over the years and have attested to his character.

Those of us who are in elective politics and are used to this, there is a term of art that describes it. The phrase is "October surprise." What is going to be the October surprise to be used in a political campaign?

Every 2 years when we go through an election campaign in this country, the American people express how sick they are about the process, sick about American politics, revolted by political campaigns in this country, revolted by the mud slinging and the personal attacks, the smears, revolted by the 11th hour attacks. That is what the American people say. They say they want to change. And all kinds of ideas come forward almost any of which are approved by the American people—term limitations, get rid of the bums. That is how people feel about politics in America, "the quick attack," "the hit job," carefully timed to nail the candidate immediately before election day.

So those of us who are politicians, elected politicians, know that on the weekend before an election, we can expect something dreadful to happen. We know to have our campaign workers tune in the television sets to find out what is being carried on the news or what new commercial is being run in the last days of the campaign when it is too late for us to respond. We politicians expect that—sleazy as it is. That, apparently, is the nature of American politics today.

Now this phenomenon of American politics has been imported into the process of confirming nominees for the Supreme Court.

I do not know anything about these charges, except that Clarence Thomas is my friend and I have asked him about then and he says they are not true.

I do know that the events complained of allegedly took place between 8 and 10 years ago. I understand that no formal complaint was made. Clarence Thomas went through confirmation for the EEOC, no complaint was made; confirmation for the court of appeals for the District of Columbia, no complaint was made; nominated by the President of the United States July 1, 1991, intense interest by the interest groups, combing over this man's record, no complaint was made through July; no complaint was made through August; no complaint was made through the beginning of September.

The hearing begins and a complaint is made. It is turned over to the FBI. The FBI investigates it. The FBI makes a report to the chairman and the ranking member of the Judiciary Committee. The members of the committee are briefed. I am told by the chairman that the FBI report is made available to the members of the committee and the members of the committee state that this does not warrant further action, does not warrant further investigation, does not warrant delay. Go on the with the normal process of the nomination.

So, failing any response by the Judiciary Committee, which voted a week ago last Friday, then a week passes, 8 days pass, and then it is in the press. What press? National Public Radio and Newsday. One might ask: Why those two? Parts of the press. I do not know.

The person in question apparently worked for EEOC, having gone to EEOC after working under Clarence Thomas at the Department of Education, after the alleged events occurred. This person apparently, from what I understand—and I have not read the FBI report—but as I understand it, the alleged complained-about events occur, and then this same person goes with Clarence Thomas to EEOC. And the years pass; no complaint.

According to the Washington Post yesterday, she has a lengthy interview in August with the Washington Post. No complaint about sexual harassment. And then, according to the paper this morning, somebody from a Senate staff approaches her. She makes the complaint first to the committee, goes to the FBI, no action, and then before the press, the media. So it is item one on the evening news and front page in the papers, and everybody says "Oh, this nomination is in doubt." I do not think it is. I want to tell you why it is not, Mr. President.

It is not, first of all, because the American people are fair. And, second, because there are 100 members of this body who are going to vote on the nomination, each of whom is an elected politician. Each of them knows what politics is like. Each of them knows what it is like to be attacked. Each of them knows what it is like to have your character put in question in a very public way. If anybody can commiserate with Clarence Thomas, it is the 100 Members of the U.S. Senate. So I think that there is an understanding of all of this. And I think that there is an ability to put this in perspective in the Senate. And I think that there is a basic fairness in the U.S. Senate.

In fact, I dare believe that there might even be a backlash, that there might even be some Senators who have been leaning against Clarence Thomas who will now say, "We can't have this. We can't have this. We can't have this body known as the trash dump of American politics. We can't have this place be the place where any interest group that wants to will dig up garbage and dump it on our floor. That is not what the Senate is going to be. This whole confirmation procedure has gone totally out of control if that is what happens."

I think that there are some Senators who are going to feel that way, and I believe that Clarence Thomas will be confirmed. I have not noticed any slippage, I might say.

But whether or not he is confirmed does not make it right. Whether or not he is confirmed does not make it right to try to destroy the character of a human being; whether or not he wins confirmation does not heal the wounds, does not heal the destruction that has occurred here.

Mr. President, it cannot be true that in the process of trying to defeat a nominee absolutely anything goes. It cannot be true that the sky is the limit. It cannot be true that we are going to tolerate a situation where anybody who wants to throw the mud gets to throw the mud and, if it stick, that is just wonderful. It cannot be the case.

I believe that our confirmation process is at issue, as is Clarence Thomas himself. I believe that the character of the Senate is at issue, as well as the character of Clarence Thomas. I believe that the eyes of the country are focused on us as well as on him, and I believe that the time has come for us as a body to stand up and say "No" to what we have seen this weekend.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I would like to take some time to deal with the Thomas nomination, but I want to take just a couple of minutes at the beginning to deal with the immediate news item and the concerns that have been expressed on the floor.

First, I would like to make clear that I think Senator BIDEN has handled this thing properly, and I may inadvertently have caused some problems. I was

asked by a reporter when I found out about Professor Hill's charge and when I read the FBI report. And I said I thought it was after the committee vote, but I was not sure. I then checked with my staff, and I had known about it before the vote.

The question was raised by someone here, why is this coming up at the 11th hour? And, ideally, that is not how things should happen. After I read the FBI report, I was concerned enough to want to find out is this a credible witness, and I called Professor Hill and talked to her. In the course of the conversation she asked that her statement be distributed to all the Senators but that her name and identification be kept out of it. And I told her that just was not possible. I said she had to make a decision whether she was going to go public with it or not, and I told her very candidly, "Because it is going to have all kinds of repercussions for you, I do not want to advise you one way or another. But that is a decision that you have to make."

It was clear she was agonizing about this, and I understand that. But she is—and some of my colleagues probably saw here on television today—she is a professor of law. She is a credible enough witness that I do not think this should just be dismissed. And as she mentioned in the press conference today, there is one person who corroborates at least in part what she has to say.

The question is not simply the question of sexual harassment and a possible violation of the law by someone who is charged with dealing with that issue for the Federal Government. I think the more fundamental question we ought to deal with is, did the nominee tell the FBI the truth? That is fundamental. And here, clearly, there is a conflict.

My own suggestion has been that we delay the process for just a few days to eliminate this cloud for Judge Thomas, for the U.S. Supreme Court, and for the people of this Nation. We are talking about someone who may have more influence on the future of this Nation than most Presidents of the United States, we ought to bear that responsibility very, very carefully.

It is interesting to me—my staff has just handed me two different Associated Press stories. One is from my colleague from Illinois, in Chicago. "Senator ALAN DIXON said today he would support a delay in the Senate's vote on Clarence Thomas' nomination to the United States Supreme Court in light of sexual harassment allegations against Thomas." The other report: "Two other Democrats who had announced their intention to vote for Thomas' confirmation—SAM NUNN of Georgia and JOSEPH LIEBERMAN of Connecticut—said they wanted to know more about the allegations."

I think we owe, again, Judge Thomas, the U.S. Supreme Court, and the people of this Nation a little more thorough investigation than has taken place up to this point.

Now, let me talk about the issue in general and why I reached the decision that I did. First of all, the question of advice and consent. It is interesting that the Constitution uses the phrase "Advice and Consent." It is not simply "consent." It is not simply rubberstamping. The Constitutional Convention, up until the next-to-the-last day, had the U.S. Senate appointing the Members of the U.S. Supreme Court. But then, in the next-to-the-last day they shifted and said, let the President appoint with the advice and consent of the Senate. The advice part has been followed by some Presidents, not by others.

I think it is a procedure that we would be wise to get back to. It is very interesting that President Herbert Hoover, for example, discussed both with Senator George Norris, of Nebraska, and Senator William Borah, of Idaho, the nominees and whom he was considering. And Senator Borah said Herbert Hoover showed him a list of five names and asked what he thought of the list, and Senator Borah said: "It is a fine list, but the name at the bottom, Benjamin Cardozo, should be at the top." And that, ultimately, is what Herbert Hoover then did, nominated Justice Cardozo.

I mention this simply by way of background. The U.S. Senate was never intended to copy, where we simply did this frivolously, that we just automatically do that. I am not suggesting that we ever do this kind of thing frivolously, but a lot of nominations go through here and we pay very little attention to them. This kind of a case we ought to pay a great deal of attention to. Thurgood Marshall is 83. Judge Thomas is 43. We are talking about someone who may be on that Court for 40 years.

The question: Why did the President nominate him? I think, No. 1, the President wanted to name an African-American to the Court, and I applaud the President for that. Diversity is a healthy thing for the Court. In fact, they talked about diversity in the Constitutional Convention, only they were not talking about diversity in terms of race; they were talking about diversity in terms of geography so we did not end up with too many Virginians or people from some other State on the U.S. Supreme Court. And that is why the Senate was brought into the process, so that we would have that diversity. I applaud the President for that consideration.

The second thing I think the President wanted was someone who was a Republican. And I do not fault that, though it is interesting that eight times in this century Presidents have nominated Supreme Court Justices who have been of the opposite party from the President.

And then I think another factor had to be ideology. He wanted someone who would satisfy the far right in his own political party, and what was a reasonable consideration for the President. I think it is also a reasonable consideration for us in determining whether we are going to consent to the nomination.

It is interesting that historically Presidents have often, at least one time, named a Justice to the U.S. Supreme Court, or nominated one, who differed from the President philosophically. Calvin Coolidge nominated Justice Stone; Herbert Hoover nominated Justice Cardozo; Dwight Eisenhower nominated Earl Warren and William Brennan; Richard Nixon nominated Harry Blackmun; Gerald Ford nominated John Paul Stevens; Harry Truman named a Republican Senator, Harold Burton, to the U.S. Supreme Court; John Kennedy named Byron White, Justice White, to the Court.

So we have had a willingness on the part of Presidents to nominate people who bring some balance to the Court.

So the law is not a pendulum swinging back and forth depending on the philosophical leanings of the President.

The President could have nominated an African-American who was a Republican very easily and come up with someone who was really a stellar performer on the legal scene. Someone like William Coleman, who was Secretary of Transportation under President Ford, highly regarded in the legal community. William Coleman would have breezed through both the committee and the floor of the Senate.

What is the record of Judge Thomas? First, it is a remarkable record in terms of his personal achievement. I become a little uncomfortable when I hear the references to people, someone being a self-made man or self-made person. No one is a self-made person either in terms of conception or what you achieve. We all receive help from others. I would not be in the U.S. Senate today but for the help of a majority of people in the State of Illinois. My colleagues would not be on this floor but for the help of a great many others.

Having said that, his personal record is a remarkable one, and it is one we all applaud.

Second, I have every reason to believe that he did an excellent job when our colleague, JOHN DANFORTH, was attorney general of the State of Missouri. Otherwise, JACK DANFORTH would not be pushing him as he is.

The third area where he had responsibility was as Chairman of the Equal Employment Opportunity Commission. There the record is not so illustrious. I voted against him when President Reagan nominated him for retention in that post after President Reagan was

reelected. There, he was, frankly, too often the champion of the powerful and the comfortable.

At the end of Clarence Thomas' 8-year reign as Chairman of the EEOC, it took 10 months to process an employment discrimination charge. Under his predecessor, it took 3 to 6 months.

His supporters say the EEOC did a better job of reviewing claims than in previous years. That may be true, but the facts suggest the average citizen who filed a complaint was not being served that way.

In 1990, the EEOC sent over half, 54 percent, of complaints away with letters of "no cause to find discrimination," as opposed to 28 percent in 1980. Did employment discrimination drop by half during this time when more minorities and women entered the work force? That is not my view of the 1980's.

Those individuals who were fortunate enough to have EEOC take on their case had fewer settlements under Clarence Thomas, 14 percent in 1989, than they did previously, 32 percent in 1980. This is significant: The average monetary award for successful complainants was lower during the Thomas years. In other words, the punishment for violating laws against discrimination diminished during the Clarence Thomas years as Chairman of the EEOC. If we had a nominee up who diminished the punishment for selling drugs or any other thing, we would view skeptically that person's record, and properly so.

One area of particular concern about Clarence Thomas' record at the EEOC relates to how Hispanics, who complained of employment discrimination, fared. Organizations with long track records defending the rights of Hispanics, such as the Mexican-American Legal Defense and Educational Fund, better known as MALDEF, the National Council of La Raza, the League of United Latin American Citizens, known as LULAC, and the Hispanic Bar Association, oppose this nomination.

Even while the Hispanic population dramatically increased throughout the 1980's to 23 million, Hispanic charges never reached 5 percent of all EEOC charges in this time. In terms of litigation actually filed by EEOC, Hispanic cases dropped from 3.8 percent, the overall case load in 1985, to 1.6 percent in 1987, and then back up to 1.9 percent in 1988.

Even when EEOC litigated in behalf of Hispanics, Hispanics obtained less relief than other groups. For single plaintiff lawsuits in 1988, the average Hispanic award was $6,867, the average race award was $10,078, the average gender award was $4,004, and the average religion award was $9,270. In 1989, the average Hispanic award dropped to $4,750. All others increased substantially.

One reason for the continued lack of service to the Hispanic community was the continued lack of Hispanic representation in significant posts at the EEOC. In his 1982 LULAC speech, Clarence Thomas stated:

We are evaluating those areas within the agency where Hispanic representation at both the professional and clerical levels would be critical to providing better services to the Hispanic communities. As far as I am concerned, there is no alternative. To champion the cause of equal employment opportunity everywhere else, without first trying to put our own house in order, would be the ultimate hypocrisy.

Yet, under Thomas' chairmanship, the Hispanic representation at EEOC top levels actually worsened. The percentage of Hispanics at the professional level among district directors within the senior executive service dropped.

As chair of the EEOC, Clarence Thomas also had a controversial record on age discrimination cases. The committee received a letter from a dozen chairs of the relevant committees and subcommittees that have oversight responsibility over employment discrimination issues in the EEOC. They were greatly concerned about its poor record with age discrimination and rights of the elderly, and oppose the nomination.

I ask unanimous consent, Mr. President, to print in the RECORD that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
September 11, 1991.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: In 1989, we wrote to President Bush urging him not to appoint Clarence Thomas to the U.S. Court of Appeals for the District of Columbia. We made this recommendation as chairpersons of congressional committees and subcommittees overseeing the Equal Employment Opportunity Commission (EEOC). We were troubled by his record as Chair of that agency—a record which we believed raised serious questions about his judgment, respect for the law and general suitability to serve as a member of the Federal judiciary. We now write to express our strong opposition to his nomination to the United States Supreme Court.

In our letter to the President, we said we believed Chairman Thomas developed policy directives and enforcement strategies which undermined Title VII of the 1964 Civil Rights Act and the Age Discrimination in Employment Act (ADEA). A copy of that letter is enclosed for your review.

Since being nominated several weeks ago, a number of reports on Judge Thomas have been released by civil rights organizations and the press. These reports have analyzed his opinions on issues critical to the elimination of discrimination against minorities, women and the elderly, and his tenure at EEOC and the Department of Education's civil rights office. Our comments are confined to the nominee's conduct as a high-ranking federal official.

The reports show a radical switch in his views on Supreme Court affirmative action decisions, including court ordered affirmative action to remedy past discrimination. Judge Thomas supported a majority of these decisions in his early tenure at EEOC. But in 1985, he challenged the holding in *Griggs* v. *Duke Power* (barring employer use of discriminatory practices that are unrelated to job performance). By 1987, he denounced *Bakke* v. *Regents of University of California* (permitting colleges and universities to consider race to insure diversity in admissions, but prohibiting rigid admission quotas). If a majority of the Court were to join Judge Thomas in rejecting these fundamental principles it would greatly damage the hard fought guarantee of equal opportunity embodied in our Constitution and federal civil rights laws.

Our previous letter offered the following criticisms: "his public statements supporting equal employment opportunity conflict(ed) with his directives to agency staff and he "resisted congressional oversight and (was) less than candid with legislators about agency enforcement policies."

We urge you to review in more detail his record of resistance at the EEOC. And, we encourage you to consider his defiance of the *Adams* order while Assistant Secretary for Civil Rights at the Department of Education (Legal Times, Week of August 19, 1991).

Two years ago, we concluded Chairman Thomas "demonstrated an overall disdain for the rule of law." More recent, detailed reports reaffirm that conclusion. For that reason we conclude Judge Thomas should not be confirmed as Associate Justice of the United States Supreme Court. His confirmation would be harmful to that court and to the nation.

Sincerely,

Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights; Edward R. Roybal, Chairman, Select Committee on Aging; John Conyers, Chairman, Committee on Government Operations; William (Bill) Clay, Chairman, Committee on Post Office and Civil Service; Patricia Schroeder, Chairwoman, Armed Services Subcommittee on Military Installations and Facilities; Gerry Sikorski, Chairman, Post Office and Civil Service, Subcommittee on Civil Service; Cardiss Collins, Chairwoman, Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness; Matthew G. Martinez, Chairman, Education and Labor Subcommittee on Human Resources; Tom Lantos, Chairman, Government Operations Subcommittee on Employment and Housing; Barbara Boxer, Chairwoman, Government Operations Subcommittee on Government Activities and Transportation; Pat Williams, Chairman, Education and Labor Subcommittee on Labor-Management Relations; Charles A. Hayes, Chairman, Post Office and Civil Service, Subcommittee on Postal Personnel and Modernization.

Mr. SIMON. Mr. President, let me point out it is signed by the following Members of the House: DON EDWARDS—these are all chairs of either committees or subcommittees—JOHN CONYERS, WILLIAM CLAY, PATRICIA SCHROEDER, GERRY SIKORSKI, CARDISS COLLINS, MATTHEW MARTINEZ, TOM LANTOS, BARBARA BOXER, PAT WILLIAMS, and CHARLES HAYES.

Much has already been made of the Thomas record on lapsed Age Discrimination in Employment Act charges. On

reviewing that record, the extraordinary failure of the EEOC under Clarence Thomas is striking, not to be measured merely in the number of cases but in the lives of the individuals who brought those cases.

As Chairman of the EEOC, Clarence Thomas first responded to requests of the Senate Aging Committee in the fall of 1987 for the number of lapsed age discrimination charges. He first reported that around 70 charges had not been resolved prior to the running of the statute of limitations. This figure covered fiscal year 1986 only. He later revised that estimate to 900 age discrimination charges. This revision was based on surveys of pending cases in district offices that would run the statute by September 30, 1987.

Ultimately, Congress had passed not one, but two Age Discrimination Claims Adjustment Acts that required the EEOC to send out notices to individuals who had filed charges between 1984 and 1988 that were close to running the statute of limitations without any agency action under way. Approximately 9,300 notices were sent out to people who complained of age discrimination in employment and justifiably expected the EEOC to investigate and proceed on their complaints.

Senator METZENBAUM inquired at length about these egregious problems during Clarence Thomas' nomination hearing for the court of appeals in 1990. After that hearing, the EEOC found another 4,300 charges that ran the statute after 1988. Three thousand of these additional charges were originally brought during Clarence Thomas' tenure at EEOC. The total number of lapsed age charges attributable to EEOC inaction under Clarence Thomas ran to almost 13,000; 13,000 individuals filed those age discrimination complaints. These are people who worked, paid their taxes, were getting close to the end of their careers. They expected more from a Federal agency that was designated as the lead Federal agency to fight employment discrimination. They did not get it from the EEOC under Clarence Thomas.

After the EEOC, he moved to the court of appeals, and I might add I was one of those on the committee who voted for him for the court of appeals. I voted for him, although at the time, because there were rumors that he might be a nominee for the Supreme Court in the future, I said I was voting for him for the Court of Appeals, but I might have great difficulty in voting for him for the U.S. Supreme Court.

He was put on the court of appeals on March 12, 1990, and the time that he was nominated by the President was roughly 17 months. In that time, frankly, he did not have much of a chance to make a record one way or another. There are those who are critics, those who praise the record. I do not think you can draw many conclusions from that record.

What I do think you can draw a conclusion on from the record overall is that his legal experience is extremely limited.

If you were to say, who are the top 50 lawyers in this country, I do not think anyone would have mentioned Clarence Thomas.

If you were to ask, who are the top 50 judges in this country, I do not think anyone would have mentioned Clarence Thomas.

If you were to ask, who are the top 50 African-American lawyers in this country, I do not think Clarence Thomas' name would have been there.

Well, that is the personal history. Then the question is, Where will he go from here? That is really the more fundamental question we face. Will he be a champion of civil liberties? That is a very basic question for me. The conclusion I have drawn is, not if we judge by the record.

Now, Judge Thomas, before our committee, said I go in with no agenda; I go in with a clean slate. The reality is none of us go anywhere with a completely clean slate. We have our history.

There are two parts to Clarence Thomas' history. One part is that struggle he had as a child and became very successful, and that part is encouraging. The second part is his record in public office, particularly as Chairman of the EEOC and the statements he has made since that time. That part of the record suggests that Clarence Thomas will not be a champion of basic civil liberties.

There are those who say, well, you cannot predict what Justices on the Court will do, and they point to examples. And there have been examples where Justices have turned out very different than was anticipated. But having said that, those Justices who turned out very different from the expectation, they are the exceptions. Generally speaking, you can look at the record of someone who is nominated to the Supreme Court and you know pretty well where they are going philosophically. As you look at the basic record, it is not encouraging.

Let me cite one example—I will mention more than one example—of the Griswold case, the case that grew out of the State of Connecticut, where the Court determined that the right to have contraceptive devices was the right of all Americans, that was a privacy right. He has written—and I am not suggesting that he would want to turn the clock here, but he has written criticizing that decision. And he particularly criticized what he calls, and I am quoting, "The activist judicial use of the ninth amendment."

Now, what is the ninth amendment? The ninth amendment is a little-read amendment in the Constitution that grew out of correspondence between James Madison and Alexander Hamilton. James Madison said we ought to have a Bill of Rights. And Alexander Hamilton wrote back to him and said, if we have a Bill of Rights spelling out the rights of people, some people will say these are the only rights that people have.

And so James Madison, a constituent from the State of Virginia, Mr. President, added this amendment to the Constitution: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparge others retained by the people." That is a basic protection for all Americans.

When the nominee writes attacking "activist judicial use of the ninth amendment" I get concerned. I get concerned.

When I asked him about the privacy issue, he referred not to the ninth amendment, which I think is basic, but to the 14th amendment, suggesting it is a kind of an add-on later on in the Constitution. The right of privacy I think is clear in the Constitution. It does not spell out American citizens have the right of privacy, but it says the Constitution says you cannot come into your home without a search warrant, a very specific search warrant. The Constitution says you cannot have militia placed in your home.

Those are things that suggest they were trying to have a right of privacy. And then when you combine that with the ninth amendment, it seems to me you are talking about something that is very basic in civil liberties. That is one area of concern I have, and it is a very basic concern with the nominee.

Then another question: Will he be a champion of those less fortunate? I am concerned on that issue.

Some people remember where they come from in the struggle, and you can see it in their conduct, in their votes. Some people forget.

There are others, like our colleague from West Virginia, who spoke earlier today, who was born into fortunate economic circumstances but has never forgotten less fortunate Americans and has reached out. But I think we have to distinguish between someone who has lifted himself, with the help of others, out of unfortunate circumstances and remembers that, and the record shows it, and someone who has lifted himself or herself up and has forgotten. Some people climb up the ladder and then push the ladder away.

As you look at the written statements in the record of Judge Thomas, it is overwhelmingly on the side of the privileged. He has attacked the minimum wage law, for example. And he quotes some American mayors as saying they were attacking it. They did not attack the minimum wage law. They did say that the minimum wage law perhaps should not be applied to teenagers; that there ought to be some

accommodation so you encourage youth employment. But they have not attacked the minimum wage law as he has.

He has attacked the Davis-Bacon Act.

And then there is one case that came before the U.S. Supreme Court that I think is pretty much of an insight into this whole area, and that is Johnson versus the Transportation Agency of Santa Clara County, CA. The U.S. Supreme Court upheld their voluntary affirmative action plan.

What happened in Santa Clara County, in their transportation department they had 238 road dispatchers; all 238 were men. They then had an opening. Seven people applied for that opening in oral examinations to three people, and the three people gave grades. This was not a test where you could learn things precisely, but they gave grades. Seven people were determined to be well-qualified amongst those who qualified for the job.

One person, a man by the name of Johnson, got two points more than the woman on the test, but the Santa Clara Transportation Agency decided to employ this woman to break the pattern, to have a voluntary affirmative action program. The man appealed, and the Supreme Court, I am pleased to say, in a 6-to-3 vote, upheld that voluntary affirmative action program. But Judge Thomas—this is before he was a judge—Clarence Thomas said he hoped the case would be overruled and that Justice Scalia's dissent "would provide guidance to lower courts and a possible majority in future decisions."

This is a very fundamental case and its shows I think the attitude of Judge Thomas.

On another occasion, the California State University, he says—and I will be referring to this later in my remarks—"I, for one, do not see how the Government can be compassionate. Only people can be compassionate, and then only with their own money, not that of others."

The clear implication—we should not be using tax money to help the less fortunate.

I do not think anyone can read the writings—and the Presiding Officer knows I have read a lot of the writings of Judge Thomas because we were on an overseas trip together, and I was reading this big, fat notebook coming back. I ended up reading over 800 pages of his writings. I do not think anyone can read that without coming to the conclusion that as a member of the Court he is not likely to be a friend of working men and women and those who are less fortunate.

We have to keep in mind the average citizen of the United States cannot afford to hire high-priced attorneys. We want a Court that is not just going to listen to those who can afford the most able attorneys this Nation has.

Another question: But did he not accept the doctrine of stare decisis, a question that my colleague from South Carolina, asks regularly of nominees to the court, both lower courts and the upper courts?

And the answer is he does accept the doctrine of stare decisis. But let me add, I have never heard a nominee who appears before the committee answering Senator THURMOND'S question who has not accepted the doctrine of stare decisis. But you always find once you get on the Court some reason, or frequently find some reason, for moving away.

I even heard my colleague, for whom I have great respect, Senator HATCH, the other day, say we ought to accept stare decisis, and then in fact I wrote it down, except where the "Court has overreached."

We have different interpretations of that. But in the Johnson case that I just referred to, and where Judge Thomas, where Clarence Thomas, criticized the Supreme Court, and praised Judge Scalia's dissent—Judge Scalia's dissent would have overturned the previous ruling by the U.S. Supreme Court.

Let me just point out when Judge Scalia, now Justice Scalia, was before the Senate Judiciary Committee, he said, "At the Supreme Court that is not quite the situation, as the Supreme Court is bound to its earlier decisions by the doctrine of stare decisis in which I strongly believe." Every candidate for a Federal judgeship strongly believes in stare decisis. The day I hear a judge or a candidate for a judgeship say I do not believe in stare decisis, that will be a rare day, indeed.

The fact is Judge Thomas was praising an overturning of a precedent in this case.

Then the question is, Was he candid with the committee?

I would like to insert into the RECORD at this point an exchange between Senator LEAHY and Judge Thomas on the question of Roe versus Wade. I ask unanimous consent to insert that, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF THOMAS' STATEMENT ON ROE FROM SEPTEMBER 11

Judge THOMAS. I would accept that it has certainly been one of the more important, as well as one that has been one of the more highly publicized and debated cases.

Senator LEAHY. So, I would assume that it would be safe to assume that when that came down, you were in law school, recent case law is oft discussed, that Roe versus Wade would have been discussed in the law school while you were there?

Judge THOMAS. The case that I remember being discussed most during my early part of law school was I believe in my small group with Thomas Emerson may have been Griswold, since he argued that, and we may have touched on Roe versus Wade at some point and debated that, but let me add one point to that.

Because I was a married student and I worked, I did not spend a lot of time around the law school doing what the other students enjoyed so much, and that is debating all the current cases and all of the slip opinions. My schedule was such that I went to classes and generally went to work and went home.

Senator LEAHY. Judge Thomas, I was a married law student who also worked, but I also found at least between classes that we did discuss some of the law, and I am sure you are not suggesting that there wasn't any discussion at any time of Roe versus Wade?

Judge THOMAS. Senator, I cannot remember personally engaging in those discussions.

Senator LEAHY. Okay.

Judge THOMAS. The groups that I met with at that time during my years in law school were small study groups.

Senator LEAHY. Have you ever had discussion of Roe versus Wade, other than in this room, in the 17 or 18 years it has been there?

Judge THOMAS. Only, I guess, Senator, in the fact in the most general sense that other individuals express concerns one way or the other, and you listen and you try to be thoughtful. If you are asking me whether or not I have ever debated the contents of it, the answer to that is no, Senator.

Senator LEAHY. Have you ever, private gatherings or otherwise, stated whether you felt that it was properly decided or not?

Judge THOMAS. Senator, in trying to recall and reflect on that, I don't recollect commenting one way or the other. * * *

Senator LEAHY. So you don't ever recall stating whether you thought it was properly decided or not?

Judge THOMAS. I can't recall saying one way or the other, Senator.

Mr. SIMON. Mr. President, at one point—this is not part of what I am inserting in the RECORD—Senator LEAHY asked, "What are the major decisions of the Court in the last 20 years?"

He named two. One was Roe versus Wade. And yet when he is asked, "Do you have any thoughts on it? Have you ever discussed it?", he said he had no thoughts on it and he did not recall ever discussing it.

If that is true, he was the only person in the room who had no thoughts on it and had never discussed that important abortion decision.

When you look at other things it is troublesome—that answer. He was on the board of advisers, editorial advisers, for a publication called the Lincoln Review, which I think is pretty badly misnamed. But it is called the Lincoln Review in which they were regularly coming out with antichoice articles in that publication. I think there is at least a serious question whether he was candid with the committee.

Then I would like to also insert in the RECORD—it is part of the document which I just asked to be printed in the RECORD—an exchange between Senator KOHL and Judge Thomas. I ask unanimous consent to have that entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12 TRANSCRIPT OF SENATOR KOHL AND JUDGE THOMAS

Senator KOHL. All right. Judge, I would like to come back to a question about prepa-

ration. When I was running for the Senate, I worked with people who helped prepare me for debates, so in my mind there is nothing wrong with getting some advice and help in preparing for this hearing, but I would like to ask you some questions about the process.

When you were holding practice sessions, did your advisors ever critique you about responses to questions in the substantive way? Did they say, for example, "You should soften that answer," or "Don't answer that question, just say that you can't prejudge an issue that may come before the Court"?

Judge THOMAS. Senator, the answer to that is unequivocally no. I set down ground rules at the very beginning that they were there simply to ask me and to hear me respond to questions that have been traditionally asked before this committee in other hearings and to determine whether or not my response was clear, just to critique me as to how it sounded to them, not to myself, but not to tell me whether it was right or wrong or too little or too much.

Mr. SIMON. Mr. President, there Senator KOHL says, "When I was in debates, when I was running for the Senate, people advised me and they helped me to shape my answers. Did the White House staff help to shape your answers?

And he says, "No, they did not help to shape my answers."

Well, again, I have a hard time believing that that is the case. But it adds to the credibility factor. Frankly, the case that has been in the news the last 48 hours is another question on that credibility level.

Then let me take a few of his answers, and what he has written, and then his answer before the committee, this quote I gave before.

"I, for one, do not see how the government can be compassionate. Only people can be compassionate, and then only with their own money, their own property, their own effort, not that of others."

When I talked to him, he mentioned his mother lives in public housing, and that it was an improvement over where she lived before. I asked whether he did not feel that was a good use of tax funds, and taking money from all of us to see that public housing was not a good thing.

He said, in response, "I think that we have an obligation, an obligation to help those who are down and out. That is what I tried to point out in my opening statement. That is part of our community. I think it is important for us to be willing to pay taxes so the people have a place to live."

Well, there is some inconsistency here. Government programs for the poor: In the past, he has said, "It is preposterous to think that the interests of black Americans are really being served by minimum wage increases, Davis-Bacon laws, any number of measures that impose benefits to lower income Americans but actually harms them."

But when he appeared before the committee, he said "I don't think in all of those quotes that you found there is one word saying that we shouldn't spend money to help people who are poor or downtrodden." It comes very close to saying that.

In commenting on an African-American economist by the name of Thomas Sowell, Clarence Thomas in the past has said Dr. Sowell, not just said, has written—"Dr. Sowell is someone I admire quite a bit. I have read virtually everything he has written and there is very little I disagree with."

On another occasion he said, "I consider him not only an intellectual mentor, but my salvation as far as thinking through these issues. By analyzing all the statistics and examining the role of marriage and wage earning for both men and women, Sowell presents a much-needed antidote to cliches about women's earnings and professional status."

But when he testified before the committee, he said "I did not indicate that, first of all, that I agreed with his conclusions. It is also good to have someone who has a different point of view and have some facts to debate that"—very different perspective.

Natural law, and the Constitution: He said,"Rather than being a justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok judges and the juries."

At another time in the past, he said, "To believe that natural-rights thinking allows for arbitrary decisionmaking would be to misunderstand constitutional jurisprudence based on higher law."

When he appeared before the committee, he said, "At no point did I or do I believe that the approach of natural law or that of natural rights has a role in constitutional adjudication." Clearly, that is a complete reversal in that case.

In the case of an article by Lewis Lehrman, Clarence Thomas wrote:

Heritage Foundation trustee Lewis Lehrman's secret essay in the American Spectator on the Declaration of Independence and the meaning of the right to life is a splendid example of applying natural law.

When he appeared before our committee he said: "* * * with respect to those issues, the issues involved or implicated in the issue of abortion, I do not believe that Mr. Lehrman's application of natural law is appropriate."

On the South African question, the Washington Post had an article which said:

Three of the highest ranking blacks in the Reagan administration yesterday criticized U.S. blacks for focusing on South Africa while critical problems persist at home.

The three—Thomas, Clarence Pendleton, Jr., and Steven Rhodes—said they oppose apartheid but gave unqualified support to President Reagan's policy of "constructive engagement" with South Africa. * * *

"All of us who have lived under segregation, a mild form of apartheid, are concerned," said Thomas, "but in terms of the immediate, in terms of priorities, I think we should focus more on what is happening here. * * *"

When I asked him about that article, he said: "I have no recollection of that at all, Senator."

There is a person who he has described as his mentor and close friend. The article on Clarence Thomas said:

A former assistant of Thomas * * * at the Equal Opportunity Commission said in an interview that Thomas talked about Parker's representation of South Africa for 45 minutes at a staff meeting in 1986.

"He said that somebody had to represent the South Africans, and that if sanctions were passed, it would affect the black people more harshly than supporters of apartheid," the former aide said.

When I asked him about this in committee, he said, "I became aware of that * * * through the news media, as you did, about this particular activity * * * I was not aware, again, of the representation of South Africa itself."

I ask unanimous consent to have printed in the RECORD a letter from Randall Robinson of TransAfrica, who comments on this.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TRANSAFRICA,
September 25, 1991.

Sen. PAUL SIMON,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SIMON: I am writing as the Executive Director of TransAfrica, the African American foreign policy lobby, to express concern about the testimony delivered by Judge Clarence Thomas during Senate hearings on his confirmation as an Associate Justice of the supreme Court. These concerns go not to the question of his competence but of his credibility; and derive from Judge Thomas' response to questions posed by you as Chairman of the Subcommittee on African Affairs for the Senate Committee for Foreign Relations.

You asked Judge Thomas about any knowledge he might have had of the work Jay Parker, one of the more well-known conservative African Americans, performed on behalf of the apartheid regime. In his response Judge Thomas asserted that he learned of Mr. Parker's work as a registered foreign agent for the south African regime only "through the media as you did" during the few months since his nomination. Judge Thomas made this assertion despite acknowledging that Mr. Parker has been his "friend since I worked here on Capitol Hill."

Judge Thomas reiterated this ignorance even after being reminded by you that Mr. Parker had been "quoted at one point as saying he informed you in 1981 about that." Judge Thomas went on to insist "I don't recall it. I knew he represented some of the homelands in South Africa at some point. I think the Mandela family or some individuals in South Africa. I was not aware, again, of the representation of South Africa itself."

On September 16, Judge Thomas was asked about a *Newsday* article in which his former assistants confirmed an earlier report that Thomas had discussed Parker's representation of South Africa for 45 minutes during a 1986 EEOC meeting. Judge Thomas' response suggested that perhaps his former assistants had confused the South African government

with the "homelands", and again stated that he gained knowledge of Mr. Parker's representation of South Africa only during the last few months.

These responses simply do not seem credible unless one accepts that Judge Thomas did not know—and had no reason to know—anything about the world-wide outcry over the imprisonment of Nelson Mandela, or the creation of the so-called "homelands" by the apartheid regime itself.

The fact that Judge Thomas supported the complete divestment of Holy Cross stock in 1985 from corporations, in South Africa while serving as a member of that institution's Board of Trustees does little to assuage my concern. While I certainly support the substantive position taken by Judge Thomas during the debate about his alma mater's divestment policy; the fact that he knew enough about South Africa to actively participate in such a debate makes his assertion of ignorance regarding the work of Jay Parker even less credible.

Please understand that I would not expect Judge Thomas to condemn a friend and colleague just because they chose to work as a foreign agent for the apartheid government. I would expect however, that his credibility should be an important factor as Senators evaluate his testimony and decide whether to confirm the nomination of Judge Thomas as an Associate Justice of the United States Supreme Court.

Sincerely,

RANDALL ROBINSON,
Executive Director.

(Mr. DECONCINI assumed the chair.)

Mr. SIMON. I am getting close to the end here.

The question is: Can we approve any nominee, if we turn this one down? As the Presiding Officer, who is now Senator DECONCINI of Arizona, knows, 99 percent of the judges nominated by a President are approved. We approved Justice Kennedy, Justice Scalia and, as I recall, those were unanimous votes. If the President, this time, wanted to nominate an African-American and a Republican and nominated William Coleman or was willing to reach out, as other Presidents and Republican Presidents have done, and nominate someone like Vernon Jordan, or some of the other scholars on the law that have appeared before us, those nominees would have breezed through the committee. The fact that this nominee has some difficulties is because of the nature of the views of the nominees. And if the President nominates another person with the same views, I am going to be back up here speaking against that nominee.

There is precedent for that. President Tyler found five nominees that were not approved by the U.S. Senate. I do not think that would happen. The reality is that—particularly if the President takes into consideration the whole question of balance on the Court and takes into consideration the constitutional admonition, not simply that the Senate consents, but that it also provides advice—I think we can have nominees who are approved.

Then the question—this was raised in the committee—is it not great to have an African-American on the Court? The answer is, of course, that it is great to have an African-American on the Court, but it is important to recognize that the majority of African-American organizations that have taken a stand on this question have opposed the nomination of Judge Thomas.

It is immodest to read something that you have written yourself and stated and used before, but modesty is not a great virtue on the floor of the U.S. Senate.

Mr. SIMON. In my statement before the committee I said:

But two other factors are important to the minority community:

One is the political reality that so long as Clarence Thomas is on the Supreme Court, it is not probable that another black will be named. That means that for three or four decades, the lone person of African heritage will, if judged by his record, be taking stands that the large majority of blacks do not hold. Their voice and yearning for justice will be muted.

In his writings and speeches and in his life, Judge Thomas has stressed self-help, which we all laud. But Judge Thomas also has often harshly criticized another foundation of opportunity in our society: The laws that offer the helping hand sometimes needed by others who are less fortunate and less able. When a nominee comes before us to be elevated to the highest court in the land, I want to know that that nominee is a vigorous champion for the less fortunate and for the powerless. Unfortunately, even the casual comments of a Justice Thomas would be seized by some as an excuse to preserve the status quo. It would be good to have an African-American in this position of great influence, but not if the price is to compromise the future of millions of others less fortunate.

I point out, also, Mr. President, that the majority of us—not all of us—who have led on civil rights are opposing this nomination. And I believe I am correct in saying, without exception, that those who have consistently opposed civil rights legislation are supporting the nominee.

At one hearing, when we were holding a hearing, I spotted in the audience Mrs. Rosa Parks, who, as many people know, was a person who sparked, in a very real sense, the civil rights struggle in this Nation. She is the one who refused to move on the bus in Montgomery, AL. I went to greet her, and she said to me something like: We should not let him use Martin Luther King's name. She feels very strongly that he should not be approved.

I could be wrong in all of this, Mr. President. One of the things that gives me a little glimmer of hope—and I recognize the probability that he is going to be approved—is the fact that Senator DANFORTH is pushing for him so strongly. I have great respect for Senator DANFORTH, and I hope that his instincts are right and that mine are wrong. But the record is not one that suggests that I ought to gamble the future of the Nation on this.

Then, finally, Mr. President, I said in my remarks to the committee that we face a bleak period in the history of the Court, and we should not make it bleaker. There were those who asked questions about that and criticized that statement. I think it is an accurate statement.

Justice Thurgood Marshall, in Payne versus Tennessee, said, "The majority today sends a clear signal that scores of established constitutional liberties are now ripe for reconsideration."

I am afraid that is the reality.

There are a whole host of cases that could be used, but let me just mention two more. One is the recent execution in the State of Georgia of a man by the name of Warren McCleskey.

Mr. President, I ask unanimous consent to print the full New York Times editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WARREN MCCLESKEY IS DEAD

Warren McCleskey, who died in Georgia's electric chair last week, was no saint or hero. He was a robber, part of a gang that shot and killed an off-duty police officer during a holdup. Thirteen years later, however, a question reverberates: Did Warren McCleskey deserve the chair?

For the question to outlive him is a damning commentary on capital punishment in the United States.

When the Supreme Court upheld the constitutionality of executions in 1976, it held out the promise of punishments determined with fairness and care, under special procedures and guidelines. Death is different, the Court recognized, irretrievable even when the state makes mistakes.

Further, even the most vengeful citizen comes to realize there's a practical limit to capital punishment. Society would find it hard to execute everyone who is technically eligible. With 2,500 killers now on death row, it would take an execution a day for eight years to clear out the backlog.

Warren McCleskey's lawyers proved, in his first trip to the Supreme Court, that Georgia courts condemned blacks who killed whites four times as often as when the victim was black. Yet the Court, by a 5-to-4 vote, ruled in 1987 that this shameful pattern made no difference. To succeed, an accused must prove that racial prejudice animated his judge, his prosecutor or his jury.

Unable to meet that impossible burden, Warren McCleskey's lawyer proceeded to prove something else, also alarming: Georgia prosecutors had obtained the most damaging evidence against him, his alleged admission that he was the triggerman, from a jailhouse informant who was planted by Atlanta police in violation of Mr. McCleskey's rights. The state hid the informant's status for a decade, stonewalling defense attempt to throw out or discredit his testimony.

His lawyers thus spared Warren McCleskey, for the moment. Last April the Supreme Court ruled, 6 to 3, that they had waited too long to raise the claim, even though the lacked the proof—which the state was hiding—at the time they were supposed to raise it. So once again, Warren McCleskey was again scheduled to go to the electric chair.

Then, just days ago, two former jurors told the Georgia Board of Pardons and Paroles that their votes to sentence Warren McCleskey to death would have been dif-

ferent had they known the informant was a police plant, with an incentive to bargain for leniency in his own criminal case. Too late.

The only other evidence that Mr. McCleskey had been the gunman came from an accomplice to the robbery. All four hold-up men were legally responsible for the killing no matter who pulled the trigger, but Mr. McCleskey was the only one executed—on evidence that was illegally obtained, incomplete and questionable. Too little.

Some supporters of the death penalty are outraged that Mr. McCleskey lived so long, surviving through the ingenuity of writ-writing lawyers. But many other Americans are more interested in sure justice than in certain death. They are left to feel outrage for a different reason, and what makes it worse is that they cannot look for relief to the Supreme Court of the United States.

Mr. SIMON. Let me read just from the last portion of that editorial:

Then, just days ago, two former jurors told the Georgia Board of Pardons and Paroles that their votes to sentence Warren McCleskey to death would have been different had they known the informant was a police plant, with an incentive to bargain for leniency in his own criminal case. Too late.

The only other evidence that Mr. McCleskey had been the gunman came from an accomplice to the robbery. All four hold-up men were legally responsible for the killing no matter who pulled the trigger, but Mr. McCleskey was the only one executed—on evidence that was illegally obtained, incomplete and questionable. Too little.

Some supporters of the death penalty are outraged that Mr. McCleskey lived so long, surviving through the ingenuity of writ-writing lawyers. But many other Americans are more interested in sure justice than in certain death. They are left to feel outraged for a different reason, and what makes it worse is that they cannot look for relief to the Supreme Court of the United States.

In that particular case, Justice Marshall wrote in his dissent:

In refusing to grant a stay to review fully McCleskey's claims, the court values expediency over human life. Repeatedly denying Warren McCleskey his constitutional rights is unacceptable. Executing him is inexcusable.

I ask unanimous consent, Mr. President, to print that full article from the New York Times written by Peter Applebome into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

[From the New York Times, Sept. 26, 1991]

GEORGIA INMATE IS EXECUTED AFTER "CHAOTIC" LEGAL MOVE

(By Peter Applebome)

ATLANTA, Sept. 25.—Warren McCleskey, whose two unsuccessful appeals to the United States Supreme Court helped define death penalty law, was executed this morning after an all-night spasm of legal proceedings that played out like a caricature of the issues his case came to symbolize.

Mr. McCleskey, a black, 44-year-old factory worker who was convicted of killing a white police officer here during an attempted robbery in 1978, was electrocuted at the state prison in Jackson, Ga., after a series of stays issued by a Federal judge was lifted.

But when he died, after declining a last meal and after being strapped into the chair at one point and then unstrapped three minutes later, his execution added a final chapter to his odyssey through the courts.

In a final legal scramble, the Supreme Court twice refused a stay—once at about 10 P.M. on Tuesday, after a state court denied last-minute appeals, and then just before 3 A.M. today, after a similar appeal was rejected by lower Federal courts. The Court's 6-to-3 decisions came after the Justices were polled by telephone.

A "CHAOTIC" APPEALS PROCESS

Five minutes later, after Mr. McCleskey had been strapped into the electric chair, electrodes attached to his skull and a final prayer read, prison officials were told the Supreme Court had rejected a final stay. A minute later the execution began, and he was pronounced dead at 3:13.

A spokesman for the Georgia Departments of Pardons and Paroles described the process, which began with the parole board's denial of a clemency petition on Tuesday, as "chaotic."

Justice Thurgood Marshall of the Supreme Court, who was one of three dissenters in the Court's decision not to halt the execution, was considerably more stinging in his dissent. Senate, wrote: "In refusing to grant a stay to review fully McCleskey's claims, the Court values expediency over human life. Repeatedly denying Warren Mr. McCleskey his constitutional rights is unacceptable. Executing him is inexcusable."

CLEMENCY PETITION REJECTED

On Tuesday morning the five-member Georgia Board of Pardons and Paroles turned down Mr. McCleskey's clemency petition, apparently closing off the last obstacle to an execution. In Georgia, only the board has the authority to commute a death sentence. The board acted despite statements from two jurors that information improperly withheld at the trial tainted their sentence, and that they no longer supported an execution.

Mr. McCleskey's execution was initially scheduled for 7 P.M. Tuesday, but shortly before that Federal District Judge J. Owen Forrester agreed to stay the execution, first until 7:30, then until 10 and then until midnight, to hear a last-minute appeal filed in three different courts.

Judge Forrester denied the appeal after a hearing ended around 11:20 P.M., but he stayed the execution until 2 o'clock this morning to allow lawyers to appeal it. At 2:17 A.M. Mr. McCleskey was into the electric chair, only to be taken away three minutes later when officials learned the High Court was still pondering a stay.

He was placed back in the chair at 2:53 A.M. under the assumption that no news from the court meant the execution was still on. Word that the Court had denied a stay came just as the execution was ready to begin at 3:04.

TWO LANDMARK RULINGS

Mr. McCleskey, who filed repeated appeals over the 13 years between his conviction and his death and has had a long succession of lawyers, produced two landmark rulings in death penalty law.

In 1987, in the last major challenge to the constitutionality of the death penalty, the Supreme Court voted, 5 to 4, that the death penalty was legal despite statistics showing that those who kill white people are far more frequently sentenced to die than are those who kill blacks.

Last April the Court voted, 6 to 3, that Mr. McCleskey's claim that his sentence was tainted by information withheld from the jury should be rejected because he failed to make the claim on his first habeas corpus petition. In doing so, the Court spelled out strict new guidelines that sharply curtailed the ability of death row inmates and other state prisoners to pursue multiple Federal court appeals.

Mr. McCleskey was the 155th person to be executed since the Supreme Court cleared the way in 1976 for states to resume capital punishment.

Mr. McCleskey admitted to being one of four men involved in a robbery in which Officer Frank Schlatt was killed, but he denied being the one who shot him. none of the other men received the death sentence.

Before the execution he apologized to Officer Schlatt's family for taking part in the attempted robbery, asked his own family not to be bitter about his death, professed his religious beliefs and decried the use of the death penalty. He neither confessed to being the gunman nor did he say he was innocent of the killing.

"I pray that one day this country, supposedly a civilized society, will abolish barbaric acts such as the death penalty," he said.

"13 YEARS TO SAY GOODBYE"

Officer Schlatt's daughter said the execution renewed her faith in the justice system.

"I feel for his family, but he's had 13 years to say goodbye to his family and to make peace with God," said Jodie Schlatt Swanner. "I never got to say goodbye to my father. This has nothing to do with vengeance. It has to do with justice."

But Mr. McCleskey's supporters, who held demonstrations here and in Washington, said Mr. McCleskey's case from beginning to end was a potent argument against the death penalty as it is used in the United States.

"Ten years ago the idea that we would execute someone in violation of the Constitution was so abhorrent no one could imagine it happening," said Stephen Bright, director of the Southern Center for Human Rights in Atlanta, which does legal work for the poor. "Now, as a result of the Rehnquist Court, what we're seeing and what we're going to see in case after case is people going to the execution chamber in cases in which the jury did not know fundamental things about the case."

The case against Mr. McCleskey was largely circumstantial. Testimony came from one of the other robbers, who named Mr. McCleskey as the gunman, and from another prisoner, Offie Evans who told jurors Mr. McCleskey had confessed to him in jail.

Jurors were not told that Mr. Evans was a police informer who was led to believe that his sentence would be shortened if he produced incriminating evidence against Mr. McCleskey. His lawyers learned of Mr. Evan's ties to the police after the trial through documents obtained under the Freedom of Information Act.

Mr. SIMON. Mr. President, I ask unanimous consent also to have printed in the RECORD the St. Louis Post Dispatch editorial "Reject Judge Thomas."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Sept. 18, 1991]

REJECT JUDGE THOMAS

Under the checks-and-balances system in the Constitution, the president names judges to the U.S. Supreme Court, "by and with the advice and consent of the Senate." In the

confirmation process, it is not up to the Senate to show that a nominee is unqualified to serve; it is up to the nominee to show the competence needed for a lifetime appointment. In his testimony before the Senate Judiciary Committee, Clarence Thomas fell far short of proving President Bush's contention that he is "the best man for the position." His nomination should be rejected.

Of course, the president's claim was false from the start. Judge Thomas was nominated to replace Justice Thurgood Marshall because he is a black man whose political philosophy appears to match that of the White House. President Bush is locked in a battle over quotas and hiring, so he could hardly acknowledge the racial factor in the Thomas nomination. But everyone knows it was there.

Unfortunately, Judge Thomas appears to have taken his cue from such cynical denial. When senators questioned him about his lengthy paper trail, he did not feel the need to explain it. For the most part, he simply dismissed it. Writings on natural law became amateur philosophizing, not to be taken seriously; praise for the writer of an anti-abortion article became a mere throwaway line, insincere flattery that was hardly worth remembering. He spoke of stripping himself down like a runner and shedding the record that supposedly had been the basis for his selection; in fact, he was running hard—from any opinion that could endanger his confirmation.

When he was not fleeing from his past, Judge Thomas was bobbing and weaving on abortion. No matter how many times he was asked, in what form, he declined to give his views on a woman's right to choose, saying that he wanted to maintain his impartiality. Of course, he did not seem troubled by answering questions on other topics that are bound to come before the court, such as the death penalty or the separation of church and state. Those issues are not as likely to inspire such heated opposition as abortion; again, his main aim was to play it safe.

After he renounced his record and refused to answer questions on the issue most pressing on the minds of the senators, what did Judge Thomas have left? He had his lackluster tenure as head of the Equal Employment Opportunity Commission, where he let slide thousands of grievances about discrimination. He also had his constricted view of affirmative action—one of the areas where the senators' questioning was disappointingly timid. He refused to acknowledge the need for special consideration for groups that have suffered from past discrimination—even though he himself most likely would never have held any major government post, much less been nominated for the Supreme Court, had it not been for affirmative action at the Yale Law School.

Despite his efforts at self-effacing humor and the frequent references to the homespun wisdom of his grandfather, Judge Thomas failed to come across as the best candidate available for the Supreme Court. No matter what his spin doctors and handlers said, his legal expertise was shallow; his experience is narrow. To be, as Margaret Bush Wilson has called him, "a decent human being" simply is not enough. His performance was masterfully exasperating, but in the end, hearings designed to illuminate who Clarence Thomas is and what he stands for merely made him more of a mystery.

If the Senate rewards this tactic by confirming him for the court, it will only invite more such dissembling in the future. Already, Robert Gates is showing much of the same attitude in his confirmation hearings to become director of central intelligence. The Senate should reject Judge Thomas and force Mr. Bush to come up with a new nominee who is strong enough to defend his record, not simply deny it.

Mr. SIMON. Mr. President, I ask unanimous consent to print in the RECORD a list of members of organizations from the Chicago Coalition Against the Nomination of Clarence Thomas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHICAGO COALITION AGAINST THE NOMINATION OF CLARENCE THOMAS MEMBER ORGANIZATIONS

Amalgamated Clothing & Textile Workers Union—Chicago & Central States.
American Association of University Women.
Americans for Democratic Action.
American Federation of State, County, and Municipal Employees.
Chicago Catholic Women.
Chicago Committee to Defend the Bill of Rights.
Chicago Council of Lawyers.
Chicago Democratic Socialists of America.
Chicago Women's Health Center.
Citizens Alert.
Coalition of Black Trade Unionists/Chicago.
Coalition of Labor Union Women.
Cook County Bar Association.
Cook County Democratic Women.
Democratic Party of Evanston.
Gray Panthers.
Illinois NOW.
Illinois Public Action.
Illinois SANE FREEZE.
Illinois State AFL-CIO.
Illinois Women's Political Caucus.
Independent Voters of Illinois-Independent Precinct Organization.
International Ladies Garment Workers Union.
Japanese-American Citizens League.
Lawyers for the Judiciary.
Leadership Conference on Civil Rights.
Mexican American Legal Defense and Educational Fund.
NAACP—Chicago Southside Branch.
National Abortion Rights Action League—Illinois.
National Coalition of American Nuns.
National Council of Jewish Women.
National Lawyers Guild.
National Organization for Women—Chicago.
National Organization for Women—Evanston/North Shore.
National Organization for Women—South Suburban.
National Organization for Women—West Suburban.
Older Women's League.
Patriotic Majority.
People of the American Way Action Fund.
South Suburban Pro-Choice Coalition.
UAW Region 4—Greater Chicago Cap Council.
University Professionals of Illinois, Local 4100–AFT.
Women Employed.
Women United for a Better Chicago.

Mr. SIMON. Mr. President, I know that we like to do something good for someone who makes a good impression on us, whom we like personally, and there is no question that Clarence Thomas is a warm human being. I like him personally. But that is not the question before this body. The question is the heavy, heavy responsibility of who will be placed on the United States Supreme Court for the next 40 years? And where there is doubt—and I suggest any careful reader of the record will have doubt—where there is doubt, that doubt should be resolved in favor of the Supreme Court and in favor of the people of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I take the floor to address the Clarence Thomas nomination, which has been the subject of words by our colleague from Illinois. I listened intently to what he had to say.

The point I want to raise today before the Senate is the questions that have been raised in all the major news media around the country, both in the Washington Post and, I would imagine, throughout the country. Perhaps the lead story on most of the media outlets this morning was on the question of allegations of "Sexual Harassment Clouds the Vote on Clarence Thomas," leading some of my colleagues to call for a delay on the voting because of this revelation that supposedly has been revealed to Members of the Senate regarding the sexual harassment charges that have been supposedly made against Judge Thomas almost 10 years ago, from some of the dates that I have seen.

I, as a Member of the Senate who is not a member of the Judiciary Committee, in trying to learn more about the nomination from Judge Thomas when he was nominated, asked for a personal visit, which he readily agreed to. He came to my office. I sat down and really had the opportunity to talk with him and, in essence, to interview him about some of the sensitive questions that had been asked and raised following his nomination.

I was even able to ask one of my black friends, constituents, and advisers from Louisiana to sit in on that meeting with me and allow him to ask Judge Thomas questions that were of a sensitive nature about his background and about his beliefs, about where he had come from and what his hopes and aspirations as a potential Justice of the Supreme Court happened to be. Following those meetings I watched with great interest and intent the hearings, the process, the testimony of Judge Thomas before the Judiciary Committee and withheld a decision until I had an opportunity to hear those testify before the committee who are in fact opposed to Judge Thomas' position and his confirmation by the Senate.

After all of that, after my personal meetings, after Judge Thomas' testimony, after questioning by the mem-

bers of the Judiciary Committee, and after the opposition had had the opportunity to, in fact, testify in opposition to Judge Thomas, after the Judiciary Committee, I then listened to those members of the economy who spoke on the floor and spoke in committee and gave their reasons for supporting and in opposition to Judge Thomas. I then came to the conclusion that Judge Thomas was a person who, in my opinion, would remember where he came from, would have a very strong feeling of concern about the less advantaged in this country, would not be able to forget his background and his history and, in fact, would be fair as a future member of the Supreme Court.

I took into consideration that while some had disagreements with Judge Thomas when he served as head of the EEOC in the Reagan administration, I tried to remind them this was a person who, in fact, worked for Ronald Reagan, was not a free agent, was not in a position to be able to have his position as head of the EEOC become the policy of that organization because, after all, he worked for the President and was duty bound to carry out the policies of the President of the United States.

I tried to point out that at that point, as a Supreme Court Justice, he would be a free man, indeed, to carry out his own beliefs and his own interpretations of the Constitution without having to refer to President Bush or President Reagan or to anyone else.

I concluded, after hearing all of that information and having the benefit of all of that information, that this was a person that I would be able to support as a nominee to the Court, and I said so on the floor of this Senate.

Therefore, I am struck by the revelations that we were supposedly receiving this morning in the newspaper. My question is where were these allegations during the confirmation process before the committee? Why do I, as a Member of the U.S. Senate, now have to get my information on a Supreme Court nominee from Newsday, or from national public radio? If these pieces of information that were supposedly contained in FBI files and were known, I would take it, to the members of the committee were important enough for Members to ask for a delay so that the whole process be set aside and delayed, if it was known 2 weeks ago, why was not that information made available to other Members of the Senate, who, in fact, are not on the Judiciary Committee? Why were these supposed allegations not discussed if they were so important as to delay the whole process in the committee hearing process itself? Why did we not hear from one of our colleagues who had access to the sensitive personal information contained in the FBI reports? Why did we not hear any of them come to the floor of the Senate and say there is information that we should not go forward with, there is information that we should vote against the nominee based on these allegations? I heard no one say that this information was of such a nature that would disqualify Judge Thomas to be considered as a nominee to the highest court in the land.

I think it is unfortunate that this information is now made available first through news media publications. How did they get the information? If I as a Member of the U.S. Senate, who is going to have to be called upon to cast a vote on this nominee, did not have this information, because it was not sent to me, did not know that type of information supposedly was sitting there in somebody's file, if we do not have information as a member of the U.S. Senate, why do the news publications have it?

I think there is an interesting question to find out how they got it. Do they subscribe to the FBI reports? Do they get them sent to them in the mail? I mean, this is a serious and a sensitive question that I think needs to be talked about. Maybe I am wrong.

I know that when you release sensitive information, either as a Member of the Senate or as a person who works for the Senate, there is a pretty stiff penalty involved for someone who does that. Did the FBI gratuitously send the information to the news media? How did they get it? Why is it just being made available now to the rest of us in the U.S. Senate with the admonition or the request that all of this process be delayed?

My own feeling on this issue, Mr. President, is that this information was, in fact, available to the Judiciary Committee members. They did have the opportunity, I would presume—because I have not talked to any of them—to look at this information, and make a decision based on the quality or the content of the FBI report that it, in fact, was not of a substantive nature to delay the confirmation process, not of a substantive or provable basis in order to be the basis for voting against this nominee. Because no one said, "I can't vote for him because of some things that are in the FBI files." Not a Member who has expressed opposition up to this point has said that is the basis for saying I cannot vote for him.

I think those of us who relied on the process, who have listened to the public hearings, who have listened to the debate, who have met with the judge, I think that it leads me to conclude that if no one has brought it up until now, it must have been that Members who had access to the information did not think it was important enough to delay the vote or certainly to be the basis for the vote in opposition to the nominee, because I trust that they looked at it and I trust they made a decision which was in keeping with the actions taken by the Judiciary Committee.

So I think it is unfortunate now for us to have to delay, because certainly the committee did not, it seems to this Member, delay the vote based on additional information being required. A vote was taken. Reasons were given why Members supported him and why Members chose not to support him, and I take their reasons at face value. They had some good argument in opposition and good argument in support of Judge Thomas.

I am just concerned, now that a newspaper and a public radio program have revealed the allegations—where they got them, I think is an interesting question which needs to be considered—but now all of the U.S. Senate is going to be influenced because the media now have the information. I just hope that we would come to the conclusion that I have come to: That those Members that have in fact had access to the information have carefully reviewed it and have come to the conclusion that it is not of a substantive nature in order for them to base their decision in opposition to those particular reports.

Mr. President, I yield the floor.

Mr. SIMON. Mr. President, if I may just have the attention of my colleague from Louisiana. I have mentioned part of this on the floor earlier. I learned about this, frankly, from one of our colleagues on the floor. And then I looked at the FBI report and read her statement. Because I felt it was serious enough and it concerned me, I called here. I had the impression that she was someone who could not be lightly disregarded. She is a professor of law. Those of you who may have seen her press conference today I think will agree that she is a credible kind of a person.

I think the question is not simply whether the charges of what took place 10 years ago are accurate or not—and that has not been cleared up—but the question is, did the nominee tell the truth to the FBI? And that I think is important. And before we put someone on the Supreme Court for life who is now 43, my own feeling is we would be wise to have a little more full investigation, either by the FBI or by the committee. And if that means delaying it for a few days, I think the Nation would be well served by delaying it for a few days.

Mr. BREAUX. Will the Senator yield?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. BREAUX. The question I asked is, if we did not have the opportunity to read about these allegations in Newsday magazine, it seems to me that the Senate would have gone ahead and voted tomorrow night. The point I am trying to make is that those of us who have relied on the process knew nothing about this until somebody, somewhere, leaked reports that many Members of the committee had obviously

seen already and apparently had dismissed as being lacking of a substantive nature, because it was never brought out in the committee.

I would ask the distinguished Senator, if the committee had this information, why was it not investigated at the committee level? Or, was it investigated at the committee level and then the decision was made that it was not of a substantive nature to even be discussed in a public forum or delay the committee process?

The committee voted with the information available in the FBI reports and made a decision on this nominee without it ever being talked about in the Judiciary Committee.

Mr. SIMON. Mr. President, I will respond to my colleague. First of all, I think the chairman has handled this thing well. I do not mean for this to be a criticism of the chairman at all. But the reality is that, for example, when I talked to Professor Hill, she at that point wanted a copy of her statement sent to all Members of the Senate, but she wanted her name to be kept confidential and the information to be kept confidential just so the Members of the Senate could have the information.

Well, I told her there is no way of doing that. I said, "For this to become known to the Members of the Senate, you are going to have to make a decision whether you want to go public with this or not."

She did not make that decision, I gather, until over the weekend. And where Newsday or National Public Radio got the information, I do not know.

Let me just add, I happen to be a journalist by background. I particularly avoid being the source for any of these things because you are immediately suspected of having that background. But once she went public, then we ask questions and then it becomes a little easier to deal with the situation. But until she went public, frankly, I did not mention this in the committee hearings, and no one else did, I do not know that it was decisive for any member of the committee. The committee voted 7 to 7 after very intensive hearings. For me, I had made up my mind by the time I read the statement.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, while I have some feelings and views and opinions about the subject to which the Senators from Louisiana and Illinois were addressing themselves just now, I came to the floor not to discuss my observations about weekend events and the tactics or strategies of some of the opponents of Judge Clarence Thomas.

I did come to express my conviction that Judge Thomas, because of his qualifications, his obvious good moral character that he has demonstrated in every job to which he has been assigned or for which he has been employed, and because of his obvious intellectual capacity, his decency and his sense of fairness, would be an outstanding member of the U.S. Supreme Court. And so it is to that issue that I rise today, Mr. President, to give just a few thoughts and observations that I have about why I am led to that conclusion.

First of all, I am not a member of the Judiciary Committee, so I did not have the benefit that Senators had who heard all the testimony, who had a chance to question witnesses and see the responses and listen to the responses of the nominee in committee.

But I have taken a very active interest, as all Senators have, in this process and in this nomination. And I have tried to observe the nominee closely during this process. I have had an opportunity to meet with him in my office.

I recall meetings with him in the past when he served as Chairman of the Equal Employment Opportunity Commission. Based on those observations and my effort to read as much as I could that has been written in articles and listen to observations of others about the nomination, I have come to the conclusion—and I feel very comfortable with my conclusion—that Judge Thomas is a very fine choice for the U.S. Supreme Court, and that he will be an outstanding and distinguished member of that Court after he is confirmed by this body and becomes an Associate Justice of the Supreme Court.

I can remember my first visit with him—the first that I remember—when he was Chairman of the Equal Employment Opportunity Commission. He came to my office to talk about a budget problem. He was concerned that there were Members of this Senate, and some on the Appropriations Committee in particular, who were not prepared to provide the funding that was needed by the Commission to enforce the laws against discrimination and to do the kind of job that that Commission was not only authorized but required by law to do. That was the purpose of his visit.

When I heard recently from those who were criticizing him for not being interested and energized or involved enough in trying to make sure that the EEOC did its job—that he was somehow derelict in his efforts as Chairman of that Commission to see that the laws were carried out—I remembered that first meeting and thought how inconsistent those criticisms, were with my first impressions of him. He had come to see me and asked me to help, as a member of the Appropriations Committee, to see that adequate funding was made available to his Commission.

There were other issues we talked about that day, but my impression of him was that he was very distressed that there were some who were undermining the efforts of the Commission to do its job by denying adequate funding for the Commission. And he was not going to sit still, as Chairman of the Commission, and observe it and do nothing. He was up here, in effect, lobbying the Congress in behalf of the Commission, trying to get the Congress to do what it ought to do—this Senate, to do what it ought to do, and to support the work of the Commission.

I looked at some of the comments that were made during the hearings and after the nomination was submitted to the Senate by those who worked with him at the Commission to see if maybe I had gotten the wrong impression or maybe I had misunderstood what he was about. But I find the more I look at what others have said who worked with him at that time and who observed him from very close range that I as right. My first impressions were right and the critics were wrong.

I do not know why they were wrong or if they know they are wrong. I am sure they are well meaning and are motivated by the highest principles. But it surely is a big chasm of inconsistency between what the critics say about Clarence Thomas as Chairman of the EEOC and what those who were there say they saw and observed. And it is likewise inconsistent with my recollections, too, as I observed him as Chairman of the Commission.

For example, Gaull Silberman—I am quoting from a statement that he made. He was Vice Chairman of the EEOC when Judge Thomas was Chairman. He says:

> This man made the EEOC. He built it into a first-class law enforcement agency. We took three times as many cases, got more relief for more people than any other time in history.

Robert Dowd, who is the presiding judge of the Missouri Court of Appeals observed:

> Mr. Thomas has an outstanding civil rights record and has demonstrated leadership and excellence as Chairman of the Equal Employment Opportunity Commission. He sincerely believed"—he said—"that Mr. Thomas would bring honor, excellence, and scholarship to the appellate court.

There was an analysis written of the tenure of Clarence Thomas as Chairman of the EEOC by Prof. Joseph Broadus, at George Mason University School of Law. It goes into a lot of detail.

In the summary there is one sentence that I will read into the RECORD.

> Clarence Thomas substantially reformed and transformed the EEOC during a critical period in its history, rebuilding the agency's morale, strengthening its law enforcement role, dramatically increasing its volume of successfully processed cases, and restoring its focus on individual justice.

One might observe, too, Mr. President, just as an aside, with the emphasis that the professor placed on individual justice, that the Supreme Court had changed or modified some of the laws that governed the bringing and

prosecution of antidiscrimination cases. It was under the chairmanship of Clarence Thomas that the agency had to adjust to some of those changes—some of the same changes that are now sought to be reversed by legislation that is before this body.

I think some would prefer to suggest and to convince others that it was Chairman Thomas' idea to make these changes in the law. He was not on the court then. He was abiding by the law as interpreted by the Supreme Court and trying to carry out the responsibilities of his office under the changes in the law that were made that shifted the focus from classes that may have suffered from discrimination and how you impose standards on employers or others to those rights that individuals enjoy and that are protected under the Constitution of the United States.

It is an observation that may in some small way explain why there may be a tendency to accept the argument that Judge Thomas somehow was not fulfilling the full responsibility that he had as Chairman. Changes in the law had occurred.

If you look at the statements of those I just quoted, I think it adds credence to the argument that Chairman Thomas when at the EEOC, was dedicated, vigorous, and energetic in getting the job done and in protecting the rights of those that his Commission had the responsibility to protect and to defend.

It was interesting also, Mr. President, in looking at the lineup of witnesses before the Judiciary Committee to see the large number of witnesses who came to testify for and against the confirmation of Judge Thomas. Everybody can remember that. And the committee wrote a long report, including additional views and supplemental views of almost every member of the Judiciary Committee.

And, of course, we were all bombarded—not really, I guess, bombarded—but given the benefits of the thoughts and observations of many interest groups: The National Abortion Rights Action League sent us all a description of their arguments. Another interest group compiled a detailed background report about the nominee and argued in favor of confirmation. Here is a folder full of all of these materials.

I have tried to look at all of them. I read some of them more carefully than others, I will have to admit.

But based on all of this, in trying to dig out of all of this pile of paper what the central themes are that are relevant and what the basic facts are that we ought to consider before we vote, I was drawn to the testimony of Dean Calabresi, the dean of the Yale Law School where Judge Thomas went to law school. Judge Calabresi is identified as the dean and Sterling Professor of Law at the Yale Law School.

In Mississippi, we are very proud of the fact that Myres McDougal, a scholar from our State, once was the Sterling Professor of Law at Yale Law School, and a number of the faculty at the University of Mississippi Law School were educated at Yale, maybe because of Professor McDougal's influence in helping many of the students from my State gain admittance to the Yale Law School.

But I was impressed with the observation that Dean Calabresi made—and I am going to read a few sentences from his statement to the Judiciary Committee. He was talking about Clarance Thomas, the student, when he said:

> What characterized him was that he could not be predicted, that he was always seeking more information in order to decide what made sense to him, and that whatever position he took was his own and was powerfully, and eloquently held.

He then goes on to try to predict what kind of Justice Clarence Thomas would be on the Supreme Court, and he recalled some of the other great Justices of the past, and he says:

> None of the great Justices of the past, not Justice Black, nor Justices Harlan or Stewart, not Justice Holmes nor Justices Brandeis or Cardozo, not even Justice Frankfurter—for all his years of teaching constitutional law—came to the Court fully formed. The Court itself, and the individual cases that came before them, shaped them, even as they shaped the Court. In the end it was the combination of character, ability, willingness to work really hard, and openness to new views that made them great Justices. These qualities, if there truly is openness, matter far more than past positions. I hope and believe that judge Thomas has these qualities, and that is why I am here today.

Those are the words of Dean Calabresi of Yale Law School, Mr. President, and I find them very impressive in the tone and in the sureness of his conviction that Clarence Thomas is the person that he believes him to be, based on his observation of him over a period of time that is much longer, much different than most Senators here have the opportunity to observe Judge Thomas.

The time in which I have had to observe him and see him perform his duties and responsibilities in some of the jobs he has had enables me to say I am convinced also that he is his own man and he is the kind of person who will be an independent voice for fairness and for justice for all when he is confirmed as an Associate Justice of the U.S. Supreme Court.

I am proud to be able to support his confirmation, and I recommend to the Senate that he be confirmed.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to comment on the statement made by Ms. Hill, a former staffer, who worked with Judge Thomas, both at the Department of Education and the Equal Employment Opportunity Commission. Let me say from the start, I am opposed to sexual harassment in the workplace and certainly believe that women are entitled to protection from it.

With any nomination, there are always numerous allegations that are made about the character of a nominee. It is not unusual to have allegations made, that after investigation, are without merit.

When the allegations made by Ms. Hill were brought to the attention of the Judiciary Committee, a full investigation was undertaken by the FBI. The chairman of the committee, Senator BIDEN, and I, as ranking member, requested it. Judge Thomas was interviewed, and I want to get this point clear. He categorically denies the allegations that have been made. After a complete investigation by the FBI, these allegations have been found to be totally lacking in credibility and are without merit.

The allegations made in this case are some 10 years old and are being raised now for the first time. These unfounded allegations, Ms. Hill says, occurrred while she worked with Judge Thomas at the Department of Education. When Judge Thomas left the Department of Education to assume the chairmanship of the EEOC, Ms. Hill chose—she herself chose—to move there with him. I find it hard to understand why Ms. Hill would follow Judge Thomas to the EEOC if her statements about what happened at the Department of Education are credible.

Since her departure from the EEOC, Ms. Hill has on several occasions contacted Judge Thomas—once for assistance with an employment award, and as recently as earlier this year to encourage him to accept a speaking engagement. It simply does not make sense for Ms. Hill to contact Judge Thomas and ask for his assistance if she had been harassed by him.

Additionally, Ms. Hill has raised concerns that Judge Thomas has changed his political philosophy from supporting quotas for minorities in employment and believes he may not be openminded. I find this information disturbing. Apparently, Ms. Hill's real problem is with Judge Thomas' political philosophy. And I will take up another reason in a minute.

Mr. President, the Judiciary Committee took testimony from Judge Thomas for some 5 days. He spent 25 hours on the stand. He is the consummate professional. These statements are simply inconsistent with the professional approach that Judge Thomas has taken regarding every position he has held in both the public and private sector.

Mr. President, after a complete and thorough investigation by the FBI, the statements made by a former staffer are totally without merit. These state-

ments were said to have been made over a decade ago. This former staffer left the Department of Education and moved to the EEOC with Judge Thomas. Later, she asked Judge Thomas for assistance after her departure from the EEOC. She claims she was harassed at the Department of Education and also at the EEOC.

Mr. President, I believe there statements have been made in an attempt to derail this nomination at the last minute. We are supposed to vote on it tomorrow. We put it off last week to vote on it tomorrow at 6 o'clock. It is important to note that the staffs of two Senators who oppose Judge Thomas are responsible for originally contacting Ms. Hill and urging her to make this information known. It was not the Judiciary Committee staff as has been stated by Ms. Hill.

I believe those who oppose this nominee are behind raising these allegations on the day before the vote. Judiciary Committee members who oppose Judge Thomas were aware of this matter before casting their vote in the committee, yet they voted for him—7 for him, 7 against him—on September 27. It is, therefore, not appropriate to use these baseless allegations to delay the vote on this nominee.

Mr. President, as this matter has now been raised publicly, I thought it was important to clarify the situation.

Now, Mr. President, a few hours ago today I received a letter from an individual who worked with Judge Thomas at the EEOC. He was there with him for years. I am going to read this letter and disclose who wrote it. It says:

DEAR SENATOR THURMOND: As someone who worked with Judge Clarence Thomas from 1983 to 1986 I also had the opportunity to work with Ms. Anita Hill.

So he knows Ms. Hill, the one who is making these charges.

I must tell you that during that time I was very uncomfortable with Ms. Hill. I often questioned her motives. This concern was something I expressed to Judge Thomas on more than one occasion.

Furthermore, I found her to be untrustworthy, selfish and extremely bitter following a colleague's appointment to head the Office of Legal Council at EEOC. A position that Hill made quite clear she coveted. After she was passed over for the promotion, she was adamant in her desire to leave the agency and discussed this with me privately.

Mr. President, could this be the reason for Ms. Hill's statement at this time? Judge Thomas did not promote her and she became bitter and now she is coming forward? That is what this individual says who worked with Thomas.

I also question her motivation when it comes to her recent allegations. Especially since Ms. Hill discussed with me her admiration for Judge Thomas' commitment to fight for minorities and women, and his fair treatment of women at the agency. I know, personally, that these are the rantings of a disgruntled employee who has reduced herself to lying.

Now, this individual is saying that he has heard Ms. Hill express her commitment and faith in Judge Thomas, and express her opinion that Judge Thomas had a commitment to fight for minorities and women and fair treatment of women. Yet she is now making statements against him. Why did she turn on him? She did not get the promotion she had hoped to get, which Judge Thomas did not give her.

I ask you, if this was a man she should loath for sexual harassment, then why did she maintain contact and continue to communicate with him? Why did she follow him from the Education Department to the EEOC? Why did she only have praise for him in her discussions with me? Furthermore, Judge Thomas believed this woman to be a friend and someone of great intellect and wanted only to assist her as she moved along in her career.

I am sure having had knowledge of the situation prior to this past weekend is evidence that you also question Ms. Hill's accusations and credibility. I urge the Senate Judiciary Committee to listen to these allegations with a grain of salt.

In closing, as I described her ten years ago to Judge Thomas, I do so now. She always had to have the final word and the last laugh. I see now that some people just never change.

I look forward to your confirming the Judge to our nation's highest court.

Respectfully,

ARMSTRONG WILLIAMS,
Managing Partner,
The Graham Williams Group.

This is a man who worked with Judge Thomas, knew this woman well, and that is the letter he wrote to me today.

Now, Mr. President, I just want to say a few more words in closing. I am not going to take but a few minutes.

The sexual harassment allegation by Anita Faye Hill; Judge Thomas categorically denies it. No one else besides Ms. Hill has ever accused Judge Thomas of sexual harassment. He has been in government for 17 years. He has worked with the public for 17 years. And he was worked with many women. No one has ever accused him of anything before—and no one else has accused him of sexual harassment.

Ms. Hill alleges the statements attributed to Judge Thomas were made at the Department of Education in the fall of 1981, yet when Thomas moved to the EEOC in April 1982 Ms. Hill chose to move with him and accept a position with him. If she had been harassed in the Education Department, why did she choose to go with him again and run the risk of being harassed again? She did not have to go there. She had a job at the Education Department and could have stayed there if she wanted. Instead of that, she wanted to go with him and did go with him.

Judge Thomas introduced Ms. Hill to the dean of the Law School at Oral Roberts University and recommended her for the position she obtained there. That is the gratitude she is now showing.

Ms. Hill stated she left the Washington, DC, area in 1983; in the fall of 1984 she visited the EEOC to get a recommendation from Judge Thomas for an award. In the spring of this year, 1991, she again contacted him to encourage him to speak at the University of Oklahoma College of Law. That is where she was teaching. The university had invited him to come out and speak. He was an outstanding jurist and they wanted him to speak there. And she contacted him and encouraged him to take it.

Well, if he is that kind of an individual, guilty of sexually harassing women, why would she encourage him to come out there and speak to students there, men and women in the school? It does not make sense.

Ms. Hill acknowledges she has had numerous opportunities to present her story to the press but had declined until now.

Senate staffers of some Members who oppose this nomination contacted Ms. Hill. She did not come here first. They were Senate staff members. They were not Judiciary full committee investigators either. They were staff members of two Senators, at least two, who contacted Ms. Hill and urged her to come forward. That is the reason she came. Not investigators from the full Judiciary Committee, as Miss Hill had claimed. She claimed they were investigators from the Judiciary Committee. They were not. They were simply staff members of two Senators who are opposed to Judge Thomas, and they have been opposed to him all the time.

In fact, Senator BIDEN issued, I believe, a statement today and said, "Any statements that she was first contacted by investigators for the full committee staff of the Senate Judiciary Committee on September 3 or any other day are categorically false." That comes from the chairman of the committee.

Committee members who oppose Judge Thomas were well aware of these allegations before the committee vote on September 27. The members were aware of it. Nobody was taken by surprise. And if they claim they are not aware of it, it is just not the case. It was available to them.

Ms. Hill has said she is concerned that Judge Thomas has changed his political philosphy and that he may no longer be open minded.

Maybe she does not like his philosphy and this is the motivation for her statement.

Now, the statement Ms. Hill gave to investigators and her written statement contain several inconsistencies. For example, Ms. Hill told investigators that when she left the EEOC, Thomas said if this matter was disclosed he would ruin her; that is, Ms. Hill's career. She said in her written statement that Thomas said if it was disclosed, it would ruin his, Thomas', career.

Who is correct? That statement is given to the FBI. In her statement to the investigators, Ms. Hill said the remarks by Judge Thomas stopped in the spring of 1982. In her written statement to the committee, Ms. Hill said that the remarks continued in the fall or winter of 1982. Which is correct? She is making different statements about the situation.

Two individuals that Ms. Hill implied might be vulnerable to Thomas' alleged improper behavior were interviewed. The FBI went to them. One person was very complimentary about Judge Thomas and said that he was an individual with tremendous respect for the law and was also a good person. The other individual stated that Judge Thomas was the best supervisor she had ever had. That was the name of two people that Ms. Hill gave to them to interview, and that is what they said.

I want to say this. If I did not know Judge Thomas, I think I would be willing to take the word of a man who has worked with him longer than anybody else, and that is Senator DANFORTH. Senator DANFORTH is an ordained preacher in the Episcopal Church. He has been here for a long time. We all know him. He is a man of character, integrity, and high principles, and I think everybody acknowledges that.

Judge Thomas worked for him for 3 years as assistant attorney general. Judge Thomas had a hard time getting a job. Senator DANFORTH, then Attorney General DANFORTH, gave him a job. He worked there for 3 years. Senator DANFORTH had the opportunity to judge him.

Then, when Senator DANFORTH came to Washington as a Senator, he hired him again. He liked his work as an assistant attorney general. Thomas had gone with a private firm, doing well, making money. DANFORTH sent for him, and he came to work for him again as a legislative assistant here in the Senate.

That is 5 years he has worked with Senator DANFORTH, working closely with him, in the same office with him, day after day after day for 5 years. Is not his opinion worth something? Senator DANFORTH says he has the utmost respect for him. He says he is an honest man; he is a hard-working man; he is a very capable man.

Then Judge Thomas, too, has worked for 17 years for the public. He testified 5 days—24 hours—before the committee. The committee investigated him for a total of 8 days. Over the 17 years of public service, from the time he testified before the committee, nobody, nobody brought out anything against him. Why did not they come forward if they had something against him? Why did one person wait until the day before the vote on him, at the last minute, and then raise something that allegedly happened 10 years ago—10 years ago—she charged him with sexual harassment? It just does not make sense.

Mr. President, Judge Thomas has the integrity, he has the professional qualifications, and he has the judicial temperament. That is what the American Bar Association said he had. Those were the qualities they judged him on, and he was outstanding when judged by the American Bar Association.

So the President of the United States appointed him, and he investigated him before he appointed him. The Justice Department investigated him. The American Bar Association investigated him. The Judiciary Committee investigated him. How many more have to investigate him? And to have this individual, after 10 years, come up there and say he sexually harassed her—it just does not make sense. It just does not stand to logic. It will not stand up before the people who, I think, really believe in what is right in this country.

Mr. President, I am not going to take more time. I just want to say from all I have seen on this gentleman, Judge Thomas should be confirmed and he should be confirmed tomorrow afternoon. The vote should not be delayed. Why put it off? He has been investigated over and over again. I say let us vote tomorrow, and let us vote to confirm him.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will speak very briefly, and my colleague from Tennessee is going to be addressing the Senate shortly.

If I may respond just briefly to my colleague from South Carolina—and I do this only on the basis of having watched Professor Hill's press conference, a few facts that she alleges. Again, I am simply repeating so we get a little balance in the picture here.

She said she moved from the Department of Education to the Equal Employment Opportunity Commission because the harassing had stopped sometime before the transfer. And she said, "I was 25 years old and needed a job." And that is the reason for that.

Second, she said that Judge Thomas did not introduce her to the law school dean.

Third, the invitation to the University of Oklahoma was made by the law school dean. She was asked to call. She called the secretary of Judge Thomas.

Then, finally, Senator BIDEN'S statement is correct, but it is also correct that she was contacted first by the Senate, that she did not initiate it. I think there will be another statement by another member of the Judiciary Committee later today that will clarify that.

In response to the final question by Senator THURMOND, why delay it? I think that we have to recognize that we are dealing with something that is a heavy, heavy responsibility by the U.S. Senate. And both for Judge Thomas' sake, for the Court's sake, and for the sake of the people of this country, we ought to take another day or two to look at this thing and make sure we are doing the right thing. In view of the immensity of the cause, it hardly is asking too much that we delay a brief time to more thoroughly investigate this.

Mr. President, I yield the floor.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. GORE. Mr. President, I ask unanimous consent that I might be allowed to speak as if in the morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I appreciate the indulgence of my colleagues in allowing this speech on arms control. I had intended to make this speech during morning business this morning, but I was chairing a hearing before the Commerce Committee and it lasted longer than anticipated. Consequently, I did not have an opportunity to make the speech at that time. With the indulgence of my colleagues I would like to make these remarks now.

GLOBAL WARMING

Mr. GORE. Mr. President, incidentally, if I might just say 30 seconds' worth on the reason why I missed morning business this morning. At that hearing, the principal and best known skeptic on the subject of global warming, Prof. Richard Lindzen of MIT, formally retracted or withdrew his hypothesis as to why global warming might not be occurring. It is fair to say he is still himself skeptical, but the principal argument he had advanced the scientific community as to why he believed the mechanism upon which global warming relies for most of its impact—that hypothesis he formally withdrew at 11:45 a.m. today, a significant event, I think, because among all the skeptics, he has been probably the most prominent in the scientific community.

NUCLEAR WEAPONS

Mr. GORE. Mr. President, I rise on this occasion to speak about the very dramatic events which have taken place with regard to nuclear weapons, both here in the United States and in the former Soviet Union over the last week.

When things that seem almost immutable change suddenly, there is a tendency for one's understanding to lag behind events, and for the critical faculty to be suspended. The dramatic changes that have taken place over just a week

in the United States-Soviet nuclear relationship are indeed in that category. But the sooner we stop gawking and start thinking again, the better. My purpose in making this speech, therefore, is to share some early thoughts with my colleagues about what has taken place.

I recognize the boldness of President Bush's moves and am as impressed as anyone else at their consequences, measured in terms of the response just forthcoming from President Gorbachev. But let me say that there are some very serious things that need to be discussed thoroughly.

Of course, there are times when the moment must be seized, as the President has recognized. But there is also a role for care and workmanship in constructing what he has referred to as a new world order. The haste and secrecy with which the President formed his plans—Heaven forbid Congress should find out about them before Boris Yeltsin and a number of other foreign leaders, and the fact that, to my knowledge, no Member of this body was informed before Yeltsin and Gorbachev, and leaders of other Nations, and no Member of Congress was consulted on the design of the plan, and all of that—invites some concern precisely about how well this job was actually put together. I would not reverse what has happened, but I do think we need to examine its quality in order to identify areas in need of improvement and refinement.

Let me begin with the short-range and theater-range nuclear weapons, where the change is most profound. Much of this weaponry had clearly lost its reason for deployment in Europe over a year ago with the irrevocable collapse of the Warsaw Pact. I would not at all argue the President's judgment that now, with the dissolution of the Soviet Union itself, the possibility that it was time to call into question not just the deployment of such weapons in Europe, but the need even for their continued existence.

What concerns me is that the United States move and the Soviet response to it are not only unilateral, but on our side are completely unconditional and seemingly devoid of any concerns about anything else that might happen on the other side.

After all, the President was not only announcing his intention to do away with a lot of old-fashioned nuclear weaponry, but also to cash in his options to develop or deploy anything that might substitute. For example, even though the President carefully left open the U.S. option to deploy air-launched nuclear weapons of short range for use in NATO, he canceled the only weapons program we had that was aimed to fill that particular gap—the so-called SRAM-T.

Of course, now we have Gorbachev's announcements about the destruction of the Soviet theater nuclear weapons. But we have also had a lot of other announcements from President Gorbachev, and not all of them are proving to have much binding effect on the actual course of events within the former Soviet Union. So we had better be content with the President's unilateral approach, because, to be blunt about it, we simply have no way of knowing whether Gorbachev's umpteenth decree is going to be carried out in whole or in part.

I note also that the issue of whether short-range nuclear weapons will be totally destroyed appears to involve the Republics in several interesting ways. First, some of them are beginning to have second thoughts about the idea of seeing all Soviet nuclear weapons withdrawn to the territory of the Russian Republic alone. And the issue of whether all those weapons are ultimately accounted for and disposed of might just be as much a concern, say, to the Ukraine as it is to Poland or to Germany, even if it does not quite matter to us.

Moreover, there is also the question of what is to become or the large quantities of fissionable materials that will be recovered from all these theater nuclear weapons. Is it really a matter of no concern to the United States whether all that bomb-grade material sits around in storage in a form which would permit refabrication into new weapons some day?

We have repeatedly seen how even our wealthy friends and allies in Western Europe were sloppy or greedy enough to tolerate the export of technology and equipment and materials for the manufacture of chemical, biological, and nuclear weapons to Saddam Hussein. Why would the same necessarily be always impossible for financially desperate and administratively disordered parts of the former Soviet Union? Do we not have some concerns there?

In the past, this administration, like its predecessor, has been completely opposed to proposals for demilitarizing nuclear warheads under conditions that make rescue of bomb-grade materials difficult or impossible. Is it not time for that position to change?

The administration has also opposed the idea of closing down facilities for the manufacture of bomb-grade materials under verifiable arrangements. The President's speech last week suggests a new look at these issues, and Gorbachev appears to be offering negotiations on these matters. I hope we will hear a lot more about this and soon.

Now let me turn to the President's proposals regarding the future of strategic nuclear weapons. I am still trying to understand exactly what motivates the President's decision in the SRAM II Program. Until last week, the SRAM II was accepted as a needed replacement, and as an important part of the weaponry for the B–2. The President canceled SRAM II—an important weapon for the B–2—and, in my view, thereby sends an important signal about the B–2 itself.

To be perfectly frank, the President's decision to summarily terminate the SRAM II seems to be part of a process whereby the B–2's strategic mission has been fading like the Cheshire cat. In its place there is left—like the cat's grin—the revised perception of the B–2 as an important, even potentially revolutionary, platform for conventional missions. I do not dismiss that argument. I think it has some credence, and it may be valid. But I would feel a lot better about it if I saw some evidence that the Air Force was actually developing its force posture as if it genuinely believed its own argument.

Then there is the President's decision to take our bombers and some of our ICBM's off of alert status. That is, of course, a reversible step, but that does not make it meaningless. In theory, the entire U.S. bomber force is now vulnerable to surprise attack. The security of the force no longer depends on being able, at any given moment, to fly a portion of it out from under an incoming Soviet barrage, however unlikely, but instead depends on the President's assessment that the political likelihood is indeed vanishingly small.

Of course, comparable actions by the Soviets place them at similar risk to us. But, in both cases, the reality is that ultimate security still resides in the survivability of those nuclear forces which could ride out a worst-case attack—essentially the ballistic missile forces of both sides.

It is very easy to accept the changed reality in our relationship with the Soviet Union. But we must think through all of the implications of the changes that have taken place. In that context, I wholeheartedly approve of the President's proposal for focusing strategic arms control in the future on the de-MIRVing of land-based missiles; ongoing to a force of single-warhead missiles, which would drastically reduce even a theoretical advantage for anybody contemplating a first strike. To the extent that both sides will, in the future, have only strategic nuclear missiles on line, and in view of the fact that bombers are now in theory mutually hostage, the survivability and stability of ballistic missile forces becomes acutely important.

And so, finally, we have the President calling for the development of the Midgetman missiles, which would become the basis for the land-based missile force of the United States well into the next century. I applaud that step. But that only makes the President's decision to cancel the mobile launcher mission for the Midgetman harder to understand. The survivability of the

small ICBM in silos depends upon truly radical changes in the structure of the Soviet Union's ballistic missile forces. In fact, they would have to de-MIRV completely, just as the President has suggested.

If, however, they do not go this route, then mobility guarantees the survivability of our force. Does it not make sense to hold the mobility option for the Midgetman open in development, pending our ability to understand whether the Soviet Union will go down that road or not? We just do not know yet. There is some indication that President Gorbachev at least theoretically accepts our concept of stability through de-MIRVing. However, as of now the focus in the Soviet Union has instead been on accelerated reductions. There is even a gambit aimed at killing of Midgetman by announcing an end to design work on what apparently was to have been a Soviet counterpart.

There is some uncertainty as we look at our ongoing programs as to exactly what President Gorbachev was referring to that portion of his announcement. Of course, there is the announcement that the Soviet Union's rail-based MIRV'd missiles, SS-24's, will be confined to known depots and that they will not be further improved.

Mr. President, note, however, that there is no reference in President Gorbachev's response to President Bush to the Soviet Union's existing road-mobile systems, which are now numbered in the hundreds, or any pledge to confine them to specified locations, or any pledge not to modify and improve them. In a crisis, there is a difference between having a mobile missile force that is parked somewhere and not having one at all. The Soviets and whatever entity might succeed the Central Government there will be in the former condition, and we, if the President's decision stands, will be in the latter.

Frankly, I am not all that much reassured by the President's statement that we really will pursue a straight line course for greater stability. Much of the time, in fact, I have the feeling that given any chance the Air Force might want to slow-walk the Midgetman to death, beginning with mobility but not stopping there. In the end, what the Senate would be told is that a hard-target, silo-based update of Minuteman III is what is really needed: In effect, MX based in silos, divided by 10. That is not where we should want to see this come out. Therefore, we need to salvage the mobile option and make it clear that Congress wants to proceed. We should do this even if Gorbachev's reference to canceling design work on a mobile small ballistic missile suggests reciprocity.

Then there is Mr. Gorbachev's declared willingness to talk about nonnuclear means of defense against ballistic missile attack. We have heard some such noises from Moscow previously and these latest ideas bear exploring. I would not be too quick, however, to assume that this means a sea-change has taken place in Soviet thinking about SDI. We will have to see whether the Soviets are ready to entertain anything as far-reaching as does our own Senate Defense authorization bill. In conference, we are still debating its terms, and under the circumstances the outcome of that debate could have very far-ranging consequences.

I have said this before, but it bears underscoring: The Senate language in that bill—which I believe has now become something close to the administration's position—is without any doubt pointed in the direction of breaking the ABM Treaty as it now stands, or abrogating it if the Soviets will not agree to fundamental—not minor or marginal—changes.

The fundamental goal that this bill establishes is for the United States to deploy whatever kind of system it takes to prove a "highly effective defense of the United States against limited attacks of ballistic missiles." The issue of how that system is to be designed is driven by this statement of objectives. If anyone believes that a single site that is treaty compliant can meet the stated objective, they must understand they are in the minority. If this statement of objectives is allowed to stand, then Congress will be saying that a missile defense of any extent, in terms of number of sites, number and characteristics of missiles, and types and capacities of space-based sensors, can be deployed. The exclusion of Brilliant Pebbles from the initial plan is merely a practical recognition that Brilliant Pebbles would not be ready for deployment by fiscal year 1996. The reality is that Brilliant Pebbles is heavily funded in the committee bill and that underscores that the ultimate destiny of this program is a space-based defense.

It has been suggested that we might be able to reach agreement with the Soviets over this plan by linking it to a revised concept of stability. According to this view, stability would be secured if the United States and the Soviets deployed defensive systems able only to deal with limited attacks but not able to deal with large-scale attacks such as each side might wish to be able to threaten as a deterrent against the other.

But this bill is proposing to develop a system which is not inherently constrained to that low level of capacity but in fact is inherently expandable to the point where it would be able to threaten the Soviet Union's retaliatory forces. That would be especially true at much lower levels of missiles to which we aspire. Actually, the lower the number of weapons, the easier it would be to construct a defense of very high capability.

Even if the capability of our defensive system was small to begin with relative to the Soviet Union's offensive forces, major subsequent Soviet reductions would have the effect of increasing the effectiveness of such a United States system. All that would protect the Soviets from a United States decision to make the necessary upgrades would be precisely the revised or new ABM Treaty which the United States will be seeking to replace the one which we are now prepared to threaten to break.

The question in my mind however about strategic nuclear forces goes even deeper—to the level of nuclear doctrine. From this point on, what is supposed to be the premise for sizing and operating the U.S. strategic nuclear force? Do we still have a doctrine that calls for the ability to attack many different sets of Soviet targets? That doctrine created a theoretical justification for very large numbers of warheads. If that is no longer our doctrine, then what is? Are we on our way to the other end of the spectrum—to minimal deterrence? Or to some intermediate concept, such as one that might target deployable Soviet military forces but give up targeting Soviet military-industrial and political targets?

There needs to be an underlying logic. and that logic is still nowhere in evidence.

The President has moved very boldly to shift our nuclear posture under conditions of very real uncertainty. To protect his freedom of action, he planned this move as if it were a military maneuver, where surprise is a lethal ally. Maybe it was a race to beat Congress to the punch, since some of the President's key concessions to the Soviet—such as cancellation of the rail garrison MX and the SRAM-T—were virtually assured already for budgetary reasons. Well and good. But now we face the aftermath. And if the decisions to be taken in that period are to be well considered, it is time for the President to enter a dialog with the Congress on the nature and fundamental purposes of nuclear weaponry in the future.

The chairman of the Armed Services Committee, and the majority leader, and other Members of this body should not be told after foreign leaders are advised of the details of important and sweeping change in the U.S. nuclear arsenal. The Congress should be a part of the dialog with the President on where our Nation goes from here.

It is time also for the United States to enter into a committed but carefully paced dialog with the Soviets as well.

Mr. President, I appreciate the indulgence of my colleagues. For those who have come into the Chamber, let me say I intended to make these remarks

on nuclear weaponry during morning business but I was unable to do so. I fully realize that I have been shown extreme courtesy in allowing these remarks in the midst of what has been a very intense discussion of the pending matter.

I now yield the floor.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Arizona.

Mr. DECONCINI. Mr. President, I rise today to give a statement regarding the nomination of Judge Thomas.

Over the last few days, we have been engaged in what I consider one of the most important constitutional responsibilities that this body has. We all realize the important responsibility of confirming someone to the Supreme Court or to any court—it is a lifetime position. I know of nothing that I feel is more important for a U.S. Senator.

Indeed the Senate's duty of advice and consent to Supreme Court nominees reflects the balance of the power in our Constitution..

In exercising my constitutional duty of advice and consent to judicial nominees, I have always accorded the President's nominee the presumption that they are qualified or they would not be sent here in the first place.

But whether a Senator applies burden of proof standard or a presumption of fitness criterion for confirming a Supreme Court nominee, a Senator still must arrive at the same conclusion in his or her analysis—Are they suited for the job, and are they qualified for the position? Can this individual be entrusted with the tremendous responsibility of protecting the rights embodied in our Constitution?

During the hearings we have heard detractors of the process harken back for the days when nominees were not questioned by the Senate at all. I disagree with that notion.

Five days of insight into a nominee is a small price to pay for someone who will spend the next 40 years, perhaps, interpreting the Constitution. The Senate and the American public have a right to know a Supreme Court nominee's judicial philosophy. It is too important a position, with too much power over our daily lives, to not know what a nominee thinks about the great constitutional issues of our day.

In announcing that he was nominating Clarence Thomas for the Supreme Court, President Bush stated that Judge Thomas was the most qualified person for the position. We all know, I believe, that there are several judges, lawyers, and scholars who are much more qualified to be on the Supreme Court than perhaps Judge Thomas. I made such a suggestion to the White House.

But Judge Thomas need not be the most qualified person for the position.

He must, however, possess the qualities to shoulder the great responsibilities of a Supreme Court Justice. He must exhibit the intellectual capacity, experience, integrity, and temperament to serve on this country's highest court. And not only must the nominee possess those qualities, but the nominee must have the ability to exercise those qualities with restraint. In other words, the nominee must demonstrate to the American public that he or she understands the role of the Court in our governmental system and its duty to interpret, not enact laws.

I began my consideration of Judge Thomas' nomination as I do with any other nomination. I give a presumption in favor of the nominee. Those who oppose must overcome that presumption. During the August recess, I read extensively from Judge Thomas' writings, speeches, and judicial decisions. I reviewed his record at EEOC and at the Department of Education. I read analyses of his record prepared by opponents and proponents. I talked to my constituents in Arizona. I thought a lot about it.

And after this preparation, I was left with some concerns about Judge Thomas. After 5 days of testimony by Judge Thomas and hearing from over 90 witnesses, my concerns were allayed and I came to the conclusion that I could in good conscience support Judge Thomas for the Supreme Court of the United States.

And quite frankly, many of my concerns regarding Judge Thomas were only alleviated through his hearing testimony and his answers to our questions I posed and the questions that other Members posed. Judge Thomas has not been held to any greater scrutiny than the last few Supreme Court nominees. This is a man, who in a short professional career has developed a lengthy record. He has written articles, delivered numerous speeches, directed a Federal agency, testified before congressional committees, and authored Federal judicial opinions. But his record, although well-rounded, is not without controversy.

Many of my colleagues believe that Judge Thomas was less than forthcoming on several direct questions. I do not quarrel with their right to ask those questions. And I recognize their frustration with the process. However, I have no reason to question Judge Thomas' credibility and I believe that his testimony revealed his judicial philosophy.

I believe the record has several examples, and I will outline a few here.

One of the most crucial constitutional issues of our day is the right to privacy.

I believe that right exists in the constitution and that it is fundamental to the liberty and freedom that each American believes the Constitution protects.

Many potential nominees for this position, some of whom were probably on George Bush's short list, might not believe in an unenumerated right to privacy.

But in responding to questioning from Chairman BIDEN on the first day of the hearings, Judge Thomas stated that, and I quote:

> There is a right to privacy in the 14th amendment.

On the second day of hearings, my distinguished colleague, the Senator from Illinois asked Judge Thomas:

> Do you consider the right to privacy a fundamental right?

Judge Thomas responded that:

> There is a right to privacy in the Constitution, and the marital right to privacy, of course, is at the core of that, and the marital right to privacy in my view and certainly the view of the court is a fundamental right.

How clear must one be?

This is a very important point, and I was pleased to hear Judge Thomas' views.

I was also pleased to hear that Judge Thomas agrees that the fundamental right to privacy also extends to nonmarried individuals.

He repeatedly stated that he agreed with the Supreme Court's leading precedent in this area, Eisenstadt versus Baird.

Eisenstadt extended the right to privacy stated in Griswold versus Connecticut to nonmarried individuals.

In response to written questions from Chairman BIDEN, Thomas stated that—

> As I sought to make clear in my testimony, I believe that Eisenstadt was correct on both the privacy and equal protection rationales.

Now, eventually, Judge Thomas drew the line where he determined it would be improper to discuss further his view of the right to privacy.

I have no reason to quarrel with his line-drawing.

I believe that Judge Thomas had already provided the committee with some critical insight into his understanding of the right to privacy. And this Senator was satisfied with his answers on this issue of such fundamental importance to each and every individual in this country.

On another fundamental area of constitutional rights, the equal protection clause, Judge Thomas was, again, rather forthcoming. As we know, the Court has developed a three tier approach to equal protection cases with the most strict scrutiny for racial discrimination and heightened scrutiny for gender discrimination claims.

This is an area of law that I have probed with several nominees including Judge Bork, Judge Kennedy, Judge Souter, and now Judge Thomas. And

from his testimony, Judge Thomas, more so than even Justice Souter, supported heightened scrutiny for discrimination against women.

In my questioning of Judge Thomas, we had the following exchange. I asked him:

Is it fair to say that your philosophical approach, not going to any specific case, that you agree with this statement: If the court were to abandon the heightened scrutiny test as it applied to sex discrimination, gender cases, et cetera, that it would be turning the clock back on equal protection rights of women?

Judge Thomas responded:

Senator, I think that would be an appropriate statement, if you said either abandon or ratchet down.

Mr. President, I do not think there is much more you can ask from a nominee on an area of law than that. Contrast his support of the current equal protection case law with that of Judge Bork. Judge Bork argued that extending the protection of the equal protection clause to women would depart from the original intent of the 14th amendment. I, of course, disagreed with that approach and that is one of the reasons that lead to my vote against Judge Bork.

But unlike Judge Bork, Judge Thomas made it quite clear that he supports the current analysis used by the Court in treating an equal protection case. And this Senator was impressed by Judge Thomas' explanation.

In making my decision to support Judge Thomas, I did not discount Judge Thomas' controversial tenure at the EEOC.

He and I have had our differences regarding the EEOC's treatment of the claims of Hispanics and the elderly. I made this clear to him, both at his court of appeals and his Supreme Court hearings. I do not mean to question what Judge Thomas believes to be a sincere commitment to these two groups. However, it is this Senator's belief that during his tenure at the EEOC, more attention should have been accorded to the civil rights claims of these groups.

I was heartened by Judge Thomas' acknowledgement that he was frustrated by the difficulty of his mission at the EEOC. When I asked him during the hearings about his outreach efforts to Hispanics at EEOC, Thomas stated:

Well, Senator, I was, and I tried to resolve the problems. As all of us know, when you run an agency as spread out as EEOC, and with the difficult mission that we had, you have your frustrations, and I certainly had my share, but I can assure you that I tried to reach out to all the groups.

All I can say is he gave an honest, candid answer. In my judgment he did not do as good a job as I would like to have seen him do in that position. But he did not fuss around. He did not wash over it. He admitted that maybe he could have reached out more. He said he tried. What else can we ask of anybody?

This was very encouraging to hear. Much more could and should have been done for these groups during Thomas' tenure at EEOC. I think that is very clear. It is my sincere belief that Judge Thomas acted within his official capacity at the EEOC—and I add, because I believe it is important—he was earnest in his efforts. It is for these reasons I did not consider his tenure at that agency as a disqualifying factor for the Supreme Court.

I cannot hold out one item that I disagree with somebody on, and use that as the reason to turn someone down, if, indeed, they have excelled in other areas.

During the hearings, we heard from various reputable groups and individuals who opposed the nomination of Judge Thomas, including national groups representing the interests of women, African-Americans, Hispanics, and the elderly. I do believe that the opponents of Judge Thomas had a right to be concerned about his nomination.

Over the years Judge Thomas has written articles and delivered numerous speeches criticizing landmark decisions of the Court, Congress, and the civil rights community.

But I must be quite candid. During the hearings, Judge Thomas alleviated the concerns which I shared with some of his opponents. He demonstrated to me a potential for growth, an ability to recognize the role of the judiciary, and a skill in separating his prior duties with that role. It is my belief that Judge Thomas will be a guardian of the liberties embodied in our Constitution.

Drawing from a remarkable life story, Judge Thomas will bring a perspective to the Court that it is surely lacking today. His story is one of courage—a story of an individual who has risen from the indignity and pain of segregation and poverty to be considered for the Highest Court in the land. It has given him a strength of character that few of us possess.

But Judge Thomas' personal success story does not alone qualify him for the Supreme Court. In addition, he has the diversity of experience, intellectual ability, integrity and judicial temperament to succeed on the Court. I believe that he is an independent thinker beholding to no particular cause.

Mr. President, at the commencement of the Judiciary Committee hearings on Judge Thomas' nomination, I stated that when the hearings end the Senate and the American public should have a vision of Clarence Thomas' approach to the Constitution. We know have a vision of that approach. He will be a conservative jurist—that we know. But he will be conservative by respecting precedent and exercising restraint. And although Judge Thomas will bring vigor to the bench, he will not bring a conservative activist agenda. In his own words to me during the hearing, he stated and I quote:

It is important for judges not to have agendas or to have strong ideology or ideological views.

Throughout the hearings, we heard from several witnesses, who know Clarence Thomas personally and who spoke with passion of his integity. It is for this reason that I believe that Judge Thomas will not act contrary to his sworn testimony before this committee. I also believe that he was sincere in his pledge to this committee that he would "carry with him the values of his heritage: Fairness, integrity, openmindness, honesty, and hard work."

One final note regarding the most recent controversy involving this nomination—the allegations of sexual harassment. As a member of the Senate Judiciary Committee and like every other Democratic member of this committee, I was personally informed by Chairman BIDEN of these allegations.

My information came to me the day before the hearing. The chairman called me, briefed me at some length, and told me about the report. He said it was available and I said I wanted to read it. I could not read it that night but I met next day with the staff of the Judiciary Committee, with the investigator, with the FBI report and reviewed it very carefully, page by page.

Based upon my review of that, I could not conclude that there was enough credibility in the allegations to keep Judge Thomas from being confirmed, or for me not to vote the next day, September 27, on his nomination.

I might add, the public should know the Senate Judiciary Committee has a standing rule that any member—and the distinguished chair remembers from when he sat on it—any member can ask that any nomination, Supreme Court or any other one, be put off by 1 week with no vote, with no objection so exercised. Indeed, no one, on the 27th, who sat there and had knowledge of this, who had read the report, if they wanted to, raised a finger asking for an executive session to take up something that was confidential. Nobody raised the issue.

I remember even discussing it with a couple of members on the Democratic side and nobody said, "Well, let us put this off; let us, all of a sudden, wait another week and discuss this."

So I believe that it was the judgment there, even of those Senators who voted against Judge Thomas, that there was no reason or justification to now forestall or to put this off. The opportunity was there. And now this nominee is faced at the 11th, almost the 12th hour with an allegation.

I do not discredit the seriousness of these allegations and that the person who made them was well-intentioned. But I believe that Judge Thomas is entitled to a better, fairer, process of the nomination than this.

How would you feel, or anybody in this body, if the day before your elec-

tion, the day before your nomination vote, someone made an accusation and that the people who had an opportunity to question that several weeks before did not do it? Now you are stunned by this front-page story of someone who claims sexual harassment. I do not think it is right. I do not think it is fair. I think whoever leaked that information did a disservice to themselves, to this body, and to Judge Thomas.

I do not know how you rectify that because hearings are like a sieve. You cannot tell, really, which hole or portal the water comes out of; it just comes out. We will never, probably, know. As we do not know about other leaks that are distributed to the press, unauthorized, here. but in my judgment the allegations cannot be substantiated, and to put this vote off would be a travesty of justice and of this process.

By my voting in favor of the nominee to the Supreme Court, Judge Thomas, I express—and I think we express, those of us who vote for him—our trust that the nominee will exercise the immense powers of that position, judiciously. I believe that this nominee will not compromise the trust that we will place in him.

Judge Thomas has demonstrated to me that he has the ability to execute the responsibilities of a Supreme Court Justice. It is my sincere belief that Judge Thomas will thoughtfully exercise this ability and serve with distinction on the Supreme Court. And it is for these reasons that I will consent to the nomination of Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

Mr. President, I particularly want to thank Dennis Burke and Karen Robb and other members of my Judiciary Committee staff, who helped me in the process of this nomination hearing.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. DECONCINI. I will be glad to yield.

Mr. THURMOND. Mr. President, it has been my pleasure to serve with the distinguished Senator on the Judiciary Committee. I want to commend him for his foresight and courage in supporting this nomination as he has done. I just wanted to express my appreciation to him.

Mr. DECONCINI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, tomorrow I intend to address myself fully to my reasons for being opposed to the confirmation of Judge Thomas. Today, Anita Hill held a press conference to make public her charge of sexual harassment against Judge Clarence Thomas while he was head of the EEOC. Her statement and her presentation were powerful. I certainly do not enjoy standing here and talking about the allegation against Judge Thomas.

One of my colleagues described these charges against Judge Thomas as distasteful, and I agree. However, I do not agree with the characterization of these charges as frivolous or petty or unimportant. The allegations against Judge Thomas made by Professor Hill are obviously serious. The issue of sexual harassment in the workplace is serious and very real for thousands of women in America every day.

I knew about Anita Hill's charge prior to the committee vote on Judge Thomas. I read her statement prior to the committee vote. I had not read the FBI statement at that time. In my case, by the time I read her statement, I had already made up my mind about Judge Thomas for a variety of reasons. I was disturbed by the allegations and, frankly, discomfited and unsure as to how to handle them.

We all get involved in this rough and tumble nomination process, but none of us ever forgets, nor should we ever forget, that human beings are caught in the middle. Personal lives and professional careers are on the line. I, for one, am quite comfortable pursuing issues relating to a nominee's professional conduct and judgment or a nominee's view on matters relating to a certain position in Government. I am profoundly uncomfortable, however, when issues cross over into a nominee's personal life.

That does not mean, however, that when we are faced with them, we can pretend that they do not exist or that we can wish them away. In this case, both Judge Thomas and Professor Hill are now caught in that unfortunate situation. It is my understanding that Professor Hill wanted this matter made known to Senators in as discreet and sensitive a way as possible. Unfortunately, that has not been the result.

As a result of her news conference today, some confusion seems to have arisen as to who first contacted Professor Hill and when that contact occurred. It is not very complicated as it was a routine inquiry by my staff. In preparation for the confirmation hearings on the Thomas nomination, several members of my staff made inquiries of literally dozens of former colleagues and individuals who had worked with Clarence Thomas over the years. Some of this work was performed by the staff of my Labor Subcommittee. They had previously been involved in the confirmation process for Mr. Thomas to be chairman of the Equal Employment Opportunity Commission.

Anita Hill was one of three women who worked with Thomas at the EEOC who were contacted by my staff. They were asked about a range of women's issues, including rumors of sexual harassment at the agency. The contact with Professor Hill occurred sometime on September 3 or 4.

I want to emphasize and point out that Ms. Hill did not make an allegation against Mr. Thomas during that September 3rd or 4th conversation. But on September 9, James Brudney, the chief counsel of my Labor Subcommittee, received a message that Anita Hill, who Mr. Brudney knew from having attended Yale Law School with her, wished to speak with him about the Thomas nomination. In response, Mr. Brudney contacted Professor Hill on September 10, and at that time, Ms. Hill first made the allegations against Mr. Thomas. After discussing it with me, the following morning, on September 11, he having talked with her on the night of September 10, I directed my staff to turn the report of the allegation over to the staff of the full committee in accordance with normal committee procedures. I not only made it clear that I felt this issue could only be appropriately addressed by the full committee and, therefore, referred the matter to be pursued in the normal course of the committee's proceedings.

I hope that will clarify any confusion regarding the time and circumstances of when Professor Hill was contacted by committee staff. She may have understandably described this contact with my staff as her first contact with Judiciary Committee staff. I took Ms. Hill's allegations into consideration before we voted in committee, but I had already determined that I would vote against Thomas based on his record, his qualifications, and his statements and his testimony before us.

I did not seek to delay the committee vote nor to raise the issue publicly or with my colleagues because it was my understanding that Ms. Hill wished that only the committee members be notified of her allegations. I believed each member would decide for himself and that Professor Hill's confidentiality needed to be protected.

Mr. President, in response to some inferences made here on the floor and elsewhere, I want to make it very clear that my office had absolutely no involvement in the release of any information dealing with Professor Hill. There is no evidence of this and that is because none exists. It is simply not the case.

Mr. President, I will address myself to the merits of the Thomas confirmation tomorrow and do it rather fully, but I wanted to clarify the facts with respect to certain information. Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I appreciate the remarks of the Senator from Ohio, and yet we have a very serious thing that has occurred here. It would be well then—and I would ask him since the Senator is here—Does he have any idea, if I might address him through the Chair, where this leak may have come from?

Mr METZENBAUM. Mr. President, I have absolutely no idea where the leak

came from. I know nothing about it by rumor, inferentially, or otherwise. My answer to my colleague from Wyoming is that we had nothing to do with it, and we know nothing about where the leak came from.

Mr. SIMPSON. Mr. President, I appreciate hearing that. We will have to pursue that in the Senate, all of us. I think it is a very serious issue. I have reviewed the entire FBI report and the statements of the various persons interviewed, all of them, and found what others have found in their reviews—that there was nothing of substance to go on. I do not in any way belittle what this anguished person, Anita Hill, is saying. This must be a terrible situation for her—and I could see that as she spoke at her press conference. This one will have no end for her the rest of her life.

Mr. METZENBAUM. Will my colleague yield for a brief question?

Mr. SIMPSON. Yes, I yield.

Mr. METZENBAUM. You mentioned that you found nothing of any substance in the FBI report. Did you not learn that the FBI had been informed substantially of the same facts as she related them today in her press conference?

Mr. SIMPSON. Mr. President, the FBI was given this charge to perform by the committee when Ms. Hill came forward, and they did so. And the dates of the information in the FBI file are clear, and there were many employees who were interviewed. The principals were interviewed, Mr. Thomas was interviewed; Ms. Hill was interviewed; an associate of hers was interviewed; a law school classmate was interviewed; and other people were interviewed. It was a case, as I believe it was reported, and it is certainly not my language, that it represented basically "one's word against another's word," and so nothing came of it. That is not my language, that is what was reported as the assessment of the FBI report.

But in the FBI report, there was a mention of the name of a man who is on the staff of the Senator from Ohio as the individual who sought out Ms. Hill, and who had evidently been in school with Ms. Hill. That is in the file. And I think the Senator has addressed that in saying that he had a member of his staff, who was not part of the Judiciary Committee staff, making these inquiries. They were made, and we know that took place.

So it is a sad and demeaning process all around, all around. It will not end tomorrow night at 6 o'clock when I trust we will place Clarence Thomas on the U.S. Supreme Court. How much is a person supposed to go through in these proceedings? Who are the people who drive these issues in the way they are driven? Who has made them the judges of the rest of us? They are often very young; they are often very zealous. They miss a lot of life's rocks and tough shots.

They have missed the judgment calls. They live in a world of black and white, if you will, without the nuances of life and the edges that go with that as to who will eventually get hurt in the process. And in the zeal and enthusiasm there are several people who will be hurt: Clarence Thomas, and Ms. Hill herself. Her life will never be the same—ever, ever.

She could have come forward 10 years ago or 8 years ago. She chose not to do so. Someone lured her forward and said "Go ahead, it's all right!" They left her in this terrible position, and now the refutation of her character, her integrity, will take place.

She worked for Clarence Thomas back in the days when he was with the Education Department. No one challenges that. And then she went with Clarence Thomas when he went to the EEOC. She cited these things. She has told us about them. There was no evidence whatsoever, nor did she suggest it, that he had ever physically intimidated her with sexual advances. I leave the issue of what is sexual harassment and what it entails to someone other than those of us here. I just know that her coming forward is a tough, terrible, anguishing thing she felt she had to do. But nevertheless—nevertheless she worked with Clarence Thomas and continued her association with him.

She knew him socially after the time of these allegations. At the time she left the EEOC she again voluntarily had dinner with him and visited with him once again about things in her life and his. And after that time they continued to have contact with each other down through the years. He visited her when she went to Tulsa. He visited her here. Never any question, never any part of this ever arose. Nothing ever came up until 2 days before the nomination of Judge Clarence Thomas to the Supreme Court.

She even joined in asking him to come to her law school in Norman, OK to be part of a panel. And that letter has been presented to the Senate from persons at the law school saying; Dear Judge Thomas, we are following up the request and the contact you had with Anita Hill. This was just months ago. And he was not able to attend that event.

He has seen her over the years on more than several occasions. I think that is totally lost in this miasma of sensationalism and salacious verbiage that has accompanied this.

So we know what the lead story will be tomorrow. It will be Ms. Hill's allegations against Clarence Thomas. It will be an interesting story, but it will omit certain facts, and that is what I want to mention for a minute.

Facts are very unexciting. Everyone is entitled to their own opinion, but no one is entitled to their own facts. They do not make for good gossip. They do not make for good ridicule. Maybe they do not make for much. But they are the facts.

The fact is that the allegation made by Ms. Anita Hill was investigated by the FBI. Everyone should be aware of that fact by now. I hope they do not forget that in the course of all this.

The fact is that the FBI report on the matter was submitted to the Senate Judiciary Committee and the ranking member and the chairman and various members before the vote. That is a fact. No one chose to place a hold on the nomination, to delay it in any way, to create a stumbling block or an obstacle with it, except—except—I carefully recall the negotiations last week for the unanimous-consent agreement, and it was said that we would start on that Thursday morning, and that we thought we could finish by Friday evening, even if we went late, to which there was objection, unnamed, oddly enough, just to fit the scenario of the Saturday slap and the Sunday slap and the Monday slap. So that when we get to 6 o'clock tomorrow night, it will be a full feeding frenzy.

That does ring in my head as to why we were not able to finish up Friday night, because we knew there would not be much debate, and there has not been. People have come and stated their positions. We all knew that. So there was no difficulty to get that unanimous consent.

We put it until Tuesday at 6. There was a reason for that. I think America knows the reason for that right now. Crank it up, get it all ready. I got a call in my house on Saturday night, 7 o'clock, Newsday. "You, you know"—the guy is breathing so hard he can hardly retain himself—"Oh, oh, Senator, what about this?"

I said, "What about it? I heard those rumors when he was in the EEOC. I heard those rumors before. I am a member of the Judiciary Committee. We have confirmed this man three times in the U.S. Senate and never saw this before, at least out front."

Four times, as my senior colleagues from South Carolina reminds me, four times we have been through some confidential advice-and-consent activity with Clarence Thomas. And not once has this come up. So I think you have to put this in perspective.

Then of course we could just as well name names; or if we were to do what the media do, too, in these situations, which is to say simply that an unnamed source, a highly placed source, who fiercely sought anonymity. That was language in John Tower's FBI report. I do not know how many of us could stand up to many of those unnamed sources who fiercely request anonymity. Nevertheless, that was part of the pitch that there was—and must be anonymity.

But apparently then from Newsday the ping-pong ball went to National Public Radio, and from there in not too

long a period we have it all floating in all America. Something well known to everyone, or at least those who were most intimately connected in the decision, and then of course taking on a life of its own coming from page A6 in one of our major news papers to the front page, right there—and not even an affidavit. I remind my colleagues that an affidavit is a sworn document. A statement is a statement, is a statement. No one has touched upon that.

Again, do not misread one whit about the pain this woman is feeling, or that I am not sensitive to that. That is a great shunt around here. I have heard that one before. Let us not talk about racism, guilt, emotionalism, and victimization. Those of us who speak with clarity and sincerity get tired of that one, too. I do.

So the fact is that not one member of this committee, the Judiciary Committee on which I serve, raised this matter—even not as the slightest reason for their opposition.

There are two more facts I want to mention. Let us get right down to the serious stuff because the rest of this is senseless, salacious, sensational, and demeaning to the process.

The first is that a member of the press was given access to the statement—I do not know who referred to it as an affidavit—that she gave to the FBI.

The second fact is that the statement came from somebody who was an officer or a Member of the U.S. Senate. I think we can be pretty sure of that. Somewhere that is where that came from. And under Senate rules this statement is considered a confidential communication. Not only that, but that is what she asked for—confidentiality.

She said, I do not want that to be known. I want to give it to you because I feel prodded, lured, however you want to define that. We will find that out one day, too.

She said I do not want it to become part of the public record. I just wanted you to have it.

So some gratuitous friend of hers did her in on this one too. But I can tell you that on the desk of the Presiding Officer are the rules of the Senate, and rule XXIX, paragraph 5 of the Senate rules, states explicitly:

> Any Senator of officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

It would appear to this Senator that Senate rule XXIX has been violated and that this possible violation should be of great interest to the Senate Ethics Committee. I would hope that the chairman of that committee would institute such an investigation. We cannot do our business this way.

There is another one, Mr. President, that happened in these proceedings which was just as repugnant. That was when somebody on the appeals court staff somewhere, released a draft opinion of the circuit court of appeals. That is unconscionable.

There is not a judge, Democrat or Republican in his origin, or liberal or conservative who condones that—that is an absolute breadth of trust. So here comes a draft opinion that found its way, leaked from the courts by a lure from somebody up here to produce that. That is the cardinal sin of the judiciary—to release a draft opinion of a decision before the principal or the drafter has had a chance to defend his or her argument before his colleagues on a multijudge court—that never yet took place here, it still has not taken place.

One of the judges was on vacation for a long period of time, and another member was gone. Somehow that was to be a sinister, sinister, revelation—that this man made this decision which was different than what he was testifying to when he was under oath before our committee. That release is unconscionable. This place cannot work with that kind of sleazy activity. That is what it is.

At stake here, aside from the reputation of Clarence Thomas, is the reputation of this fine woman, Anita Hill, lured into this process like bearing the role of Sisyphus for the rest of her life, the pushing of the rock uphill, and watching it come back down on her.

What is also at stake is the reputation of the Senate itself. I think that is something we ought to hold in highest order.

So, since we have now come to the battle of the statements, it is like a political campaign. You do not want to do it, and then you get hammered flat by a bunch of people who lie and cheat on you, and tell untruths about your life, or your past, or your family. If you sit still for that, you lose. I have always had a crazy idea that an attack unanswered is an attack believed. Boy, do I believe that one.

There is also another part to it. An attack unanswered is an attack agreed to, if you do not respond, people will think that you agree with the allegation. Not that they believe the allegation, but that you have agreed with it.

So I have never played that game. It has placed me into a lot of fascinating heavy water in public life. But people always said, when the guy was putting the little thing on the doorknobs at night in the mayor's race, that says he kicks his dog, he has done this, and this. And people say, "Nobody pays any attention to it." That is a very lovely idea, but they do pay attention to all that. They look at it, and they say, "I did not hear any denial out of him."

So that is where we are now. And tomorrow night at 6 o'clock we will vote assuredly, because no one is going to be able to avoid that vote.

There is nothing more to be considered. But if we are going to have a great deal of high drama about statements, then I think we ought to add one more to it, since it is statement day. That is the statement of Charles A. Kothe, who is the founding dean of the O.W. Cogburn School of Law, Oral Roberts University. He says in this statement.

> In 1976, I conducted a number of seminars as a public relations vehicle during our accreditation process. I had specialized in conducting civil rights seminars from the time I was vice president of the National Association of Manufacturers. During that time, I edited a book called "The Tale of 22 Cities," which was an explanation of the Civil Rights Act of 1964.
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> On each of the seminars, the Chairman of the EEOC was a featured speaker. And with the exception of Mrs. Norton, all of the Chairman had appeared. I scheduled such a seminar for Oral Roberts University and arranged for the Chairman, Clarence Thomas, to be the luncheon speaker. He recommended Anita Hill for one of the presentations.

I am quoting from this statement now, and I shall continue to do so, unless I notify my colleagues.

> In the early fall of 1983, Clarence Thomas and Anita Hill appeared on the Oral Roberts University campus in connection with the seminar. At the luncheon where Clarence Thomas spoke, Anita Hill sat beside me. I learned then that she was from Oklahoma and was a Yale Law School graduate. Having a vacancy for the course in civil rights, I asked her if she would consider a teaching position, and she said that she would.
>
> After the luncheon, I asked Chairman Thomas if it would be acceptable to him for her to be offered a position on our faculty. I asked if he thought she would be a good teacher. He said that it would be agreeable with him, if that was what she would like to do and added that he thought she would be a good teacher.
>
> Immediately thereafter, I arranged for her to complete the paperwork necessary for formal appointment to the faculty. In addition to civil rights, she taught other courses.
>
> Since them, Clarence Thomas has appeared as a speaker in Tulsa at civil rights meetings. On one occasion, Anita Hill attended a dinner meeting with me and my wife, and following that, had breakfast at my home, where Clarence Thomas was our house guest. I believe that it was on that occasion that she drove Thomas to the airport.
>
> About 2 years ago, she and I were invited to present a civil rights seminar for a personnel group. She was at that time at the University of Oklahoma. We obtained much information for that occasion from the office of Clarence Thomas. In all of my relationships with her as dean, as participant in seminars, and as guest in my home, never once did she give any hint of any irregularity in her relationship with Clarence Thomas.
>
> At the time of the confirmation hearings for his second appointment to the chairmanship of the EEOC, she made no mention of any discontent with her relationship with Thomas. At the time of the confirmation hearing for the appointment of the circuit court of appeals, no mention was ever made about her dissatisfaction with Thomas.

He goes on to say:

I understand that she has recently invited Judge Thomas to be a speaker at the University of Oklahoma.

That request is in the RECORD showing that, just a few months ago, she talked to him on the phone and apparently urged him to come, and then there was a letter following that up, saying: "I am following up your contact with Anita Hill. We would like you to come." He was not able to be there.

Now I finish quoting:

I have come to know Clarence Thomas quite intimately over the last 7 years and have observed him in his relationship with members of his staff, as well as his conduct at social gatherings, and never once was there any hint of unacceptable conduct with respect to women. In fact, I have never heard him make a coarse remark or engage in any off-color conversation.

I find the references to the alleged sexual harassment not only unbelievable, but preposterous. I am convinced that such are the product of fantasy.

That is from the dean of the law school that hired Anita Hill with the support of Clarence Thomas. I would hope that in the course of our dealings with each other, that we will remember one thing that we should never have forgotten when we were practicing law, if any of us did—and I can tell you certainly the fourth estate has forgotten it when something can come out of the ether at 6 o'clock on a Saturday night and suddenly become the front page of the major papers of the United States. I will tell you what it is called: fairness. If we forget that in this country, we are going to have a really tough, long haul.

And then we forgot one other thing that anyone ought to remember that ever practiced and presented themselves before the bar of justice, and that is: there are always two sides—often a lot more than two.

When will we begin to cull these remarkable people here who do our work, who have just been turned loose like dogs to pursue every mumbled phrase of Clarence Thomas, every idiosyncrasy, anything he ever told anybody, the whole spectrum of his life? Let me tell you that nobody in the range of my voice can pass that test. This is hypocrisy of the most sickening variety. There is not a person in this Chamber, in the U.S. Senate, that can pass that kind of a test.

What did you do when you were 20? How did you act? Do you still get a flush in your face from something you said to another woman or another man when you were 30, or 40, or 50? The answer is "yes," unless you are lying to yourself.

So now we have this constant testing ground of unknown testers—I will not continue in this line. That would be an improvement upon me, because I feel very strongly about this one. Nobody could pass these kinds of absurd tests, including these brilliant staff people who are turned loose to pursue the history and background of nominees. They have forgotten all about decent human conduct, and especially human feelings, and are just lost as automatons who march through this place with their own ideas of justice—which is usually tainted with partisanship. That is where justice disappears: through pinheaded partisanship. That happens to both Republicans and Democrats. I would be quick to admit the frailty, because it is rather human.

So let's get back to the human dimension here; who are you trying to hurt? Why are you trying to hurt him? What is it going to do to his family? I watched Clarence Thomas' mother, whom I spoke to, sitting next to him for 5 days, and she said, "I have not even had time to eat or think, because people have been outside my house for 2 weeks asking me questions."

What is the purpose of that? Is that the public's right to know? Well, put me down with a check mark in the opposite box.

Then going to his sister, he made a statement about his sister and her receipt of public funds. The sister sat right there next to him for 5 days—a lovely, loyal sister. But that was not enough. I have seen that remark all over the place.

Well, go ask her. She was there. And how about the son, the questions he was asked? How about the questions about the wife and racism; who brought that up? The pontifical poops who like to hide that stuff, and they are just as racist as they accuse people of being who are on the other side. That is how that works. You do not like to get caught at the pass in life, because it is usually something you do yourself that you are not proud of, and when somebody gets you, you really react in response to that.

Then to watch the searchlight fall on this man and this family—and I will not belabor it much longer. But I think if we are going to do this in American life then there is another dimension we should pursue, and I really believe this. It does not have anything to do with muzzling the press. I have been through all that stuff, too, nothing ever muzzled, as far as I am concerned; Free rein and let 'er rip. New York Times versus Sullivan held that—I understand it and can read it. I understand public life and understand that case thoroughly.

But, at some point in time should we not be able to ask the inquisitors and interviewers who is the anonymous source? It just might be—I know it is a terrible thing to say—it might be themselves. Is that not shocking? It might just be. In fact, it has been proven to be in a couple of Supreme Court cases that it was they themselves.

So, this remarkable separation of the three branches of Government. All accountable. Judges are accountable. We are accountable. The President is accountable. But there is one branch of society that is not accountable, and that is the fourth estate, the media. They do not have any ethics committees. A lot of their journalism schools do not even teach it. But I tell you what they really have forgotten that in their zeal and their enthusiasm and their clawing over the top of each other.

They have forgotten the code of professional ethics of their professional society, Sigma Delta Chi.

Then, Mr. President, I will conclude and also say that the word "truth" is used in that code five times and as to the words about "the public's right to know," they seem to have left out two words: It is the public's right to know "the truth," not the public's right to know gossip, hysteria, cruelty, innuendo, and forgetting at every step in the process that there are some pretty battered and abused human beings at the bottom of the pile of rubble when they finish their own idea of God's work. And do not think the American people do not spot it. They do. That is why they hold the media as low as they hold us.

And that is why—to do a favor to a fine craft called journalism and to do a favor to a fine profession called politics—we ought to present ourselves to the public on a common forum and just let the public ask the questions; not debate each other, just let the public come forward and say "I would like to ask you why you did that to that person when I saw that person's life was ruined." Or, "What was your feeling when you took a picture of the mother with the dead child in her arms? What was the purpose for that? Was anybody hurt in that process?"

What did you think would happen when a bright, thoughtless, zealous staffer lured one of his or her old classmates from a quiet life into a maelstrom that this person may never have known?

But Anita Hill will be known. And now the great ax will start back and forth—sandwiching and steamrolling her life. She deserved better. And she had it better for 8 years, because she knew all these things and never came forward until somebody just several weeks ago said, "Bring it forward; we will keep it in confidence." And then it might even be the same person that leaked it. What hypocrisy. What a disgusting thing to watch.

And maybe I did not see enough when I came here from Cody, WY, but I practiced law in the real world for 18 years and we did not do that to each other. That is sleazy. And if that is going to continue here, then I am going to get active in enforcing the rules of the Senate, and we will smoke some of these turkeys out and have them on Thanksgiving.

Thank you.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. SIMPSON. I yield.

Mr. THURMOND. Mr. President, the distinguished Senator from Wyoming is a valuable Member of this body. He not only serves as an outstanding Member here as an assistant Republican leader, but he also serves ably on the Judiciary Committee. And what he has said here this evening I hope will be read by every person in America. It is important that they read his statement.

I especially wish to commend him, too, for presenting the statement by the dean of the Oral Roberts Law School in Tulsa, OK. And in that statement—it is the last paragraph, the last sentence—I remind the Senate what this dean says. And he has been with Clarence Thomas and has been with this lady who has brought these charges here. And I want to just read this last statement again which he brought out. And he knows both well. He has worked with both.

I have come to know Clarence Thomas quite intimately over the last 7 years and have observed him in his relationship with members of his staff, as well as his conduct at social gatherings, and never once was there any hint of unacceptable conduct with respect to women. In fact, I have never heard him make a coarse remark or engage in any off-color conversation.

I find the references to the alleged sexual harassment not only unbelievable, but preposterous. I am convinced that such are the product of fantasy.

I urge the Members of the Senate to read this entire statement.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I might proceed for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, the Senate will have already learned and want to record our great anticipation of the videotaped statement by Terry Anderson which appeared from Beirut this morning. His sister, Peggy Say, has remarked how much better he seems at this time than in the photograph released last month. In fact she maintains that the tape contains the second-best news she could hear. That her brother is healthy and in good spirits.

Mr. President, today is Terry Anderson's 2,396th day in captivity. We do not know what will happen next, but we have the greatest hopes and higher expectations and pray for all involved.

We have had a statement every day now for several years and it may be that these are coming to a close. I commend the videotape to my colleagues and ask unanimous consent that the transcript of Terry Anderson's remarks be included in the RECORD at this time.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TERRY ANDERSON: We have radio, we have magazines, and we have a little bit of television, although most of it is inadequate. Of course, the English movies are rare.

We play chess, two have chess sets, and both Terry Waite and Tom Sutherland come in and play chess—we play every day, which passes a great deal of time.

We read Time, Newsweek, the Economist, U.S. News & World Report.

We talk a lot. We talk about everything—politics, religion, each other, our histories. We spend a great deal of time talking. That's really been our saving, having people to talk to, to share with.

And, of course, we listen to the radio. We listen to the BBC, Voice of America, Radio Monte Carlo, Radio France International. We were lucky that Tom is a fluent French-speaker, and he's taught me to speak French—not well, but sufficiently. And we have a great deal of news.

And of course we have heard, as John McCarthy would have told you, the voices of our families in recent weeks—Tom's wife, my daughter, my sisters, John Waite. We've been very pleased and very grateful by the efforts of the BBC, the Voice of America, the French radios, for the efforts that they've taken to give us messages of cheer and let us know what is going on about our situation.

Our relationships are surprising, under the circumstances fairly good, especially in the last year or two. We are treated with respect. Our guards do the best to make things easier on us. They get us the things we need. The food is not bad, sometimes good. We get medicines when we need them, for minor ailments, colds, toothaches, that kind of thing. They are very quick to give us these things. And on the whole I think we're treated as well as can be expected under these circumstances. We have very few problems with our guards, with our captors.

* * * I can tell you only about the two men that are with me, Dr. Tom Sutherland and Terry Waite. Both are well, physically and mentally, in good spirits. Both of them, as I am, are highly encouraged by the news we've been hearing on the radio, by the statements of everyone concerned looking for a solution to this problem.

I have no information about any other hostages. I know Tom and Terry are looking forward to seeking their families again, of course. Tom is looking forward to getting back to A.U.B., to going to work again as the dean. After six years with him I can tell I don't think he should be the dean; I think he should probably be the president.

I think the efforts of Secretary General de Cuellar are enormously helpful, probably the only thing that could have been helpful in these circumstances. I, the other two men with me, and the other hostages I have no contact with, but I think I can say they are extremely grateful to him for his efforts, for his skill in these very, very difficult negotiations and for those of his staff and all the others who are involved. I thank him, and I hope soon to thank him personally—and of course to encourage him to continue just as he has done, to keep working in exactly this line, which I think has proved to be fruitful—the only thing which has proved to be fruitful so far.

Also John McCarthy, who I know, like and admire very much—we heard you, John, on the radio several times since your release. We are grateful for the things you are doing, for the things you are continuing to do—at some cost to yourself, I know, because I'm sure you want to get back to your normal life, to your real life. We are grateful. We think, as you know, that these things do help.

And we ask you, and all the people who are involved with you—the families of the hostages, the friends of the hostages, various groups—to continue to keep this issue alive, to keep it on the forefront and not to let it drag out, not to let it come to a halt again.

We're very grateful to all of you.

I don't know what I could say about specific steps that I could recommend to the secretary general. He seems to be doing quite well by himself without my advice.

I can say I think it is an absolute necessity that everyone involved in this process on both sides, or I might even say on all sides, simply cooperate, that this is no longer the time for bargaining, this is no longer the time for anyone to try to get some small advantage out of each step in the process that might be coming to fruit here. It's simply time for everyone to cooperate, to do what is necessary to do, what has to be done as quickly as possible to free all the hostages. I mean all the hostages, not just the Westerners, Tom and Jerry and myself and the other Americans here, the Germans, but all of the hostages, including those hundreds of Lebanese who are held in Khiam and in Israel, who deserve just as much as we do to be freed, to be returned to their families. And whose freedom is absolutely necessary before this whole problem can be resolved.

I've been told just a little while ago that we can expect some good news very soon. I was not told what that good news would be, simply that it would be good for the families, for our families, and for the families of the Lebanese hostages, that is, the Lebanese in Khiam and in Israel.

I can only hope of course that it means that someone or more people will be released on both sides. I don't know—they have not given me any specific information, only that it would be good news. We weren't told who might be released, whether it would be me or Tom or Terry or someone else.

I don't think that is terribly important at this moment, which one of us goes free or which two of us or how many Lebanese might be released in this stage of the process.

Yes, I would like to say something to the hostages, the former hostages, those of my friends and brothers who went free. We are grateful for the fact you haven't forgotten us. We've been impressed by the things you've done, the things you have said, by your dignity, conduct—especially I may say of John McCarthy.

And we know—we have heard you say and we believe that you are still concerned about us who remain and that you will do all you can to help bring the situation to an end. Keep up the good work.

I love you all, and miss you very much, especially my two daughters. I've heard Peg

many times on radio, and I can't say how grateful I am, her loyalty and her hard work over the past six and a half years.

I was delighted not too long ago to hear Sulome, her interview on the BBC, and I've seen and heard Judy, and I am more grateful than I can say to all of you.

Also to my friends and colleagues, who worked so hard to do whatever they could on this issue, I'm very grateful and more than a little humble. I can say the same for Tom and Terry. I know Tom has heard Jean, recently he heard his daughter, Kit, and was amazed and impressed—and in fact couldn't stop talking about it for a considerable period of time. I know how much he misses you, how much he loves you all, and has every hope of being with you again soon.

And Terry Waite sends his greetings to Lord Runcie, to Archbishop Carey. We've all heard a number of services in which they have been involved and others have been involved in praying for us and of the work that the Church of England has done. He's grateful and thanks you very much.

Mr. MOYNIHAN. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. MCCONNELL. Mr. President, I rise today in support of Judge Clarence Thomas.

I will make a brief observation at the outset as someone who is not a member of the Judiciary Committee. I certainly share the view expressed by a number of Senators in the course of the proceedings today about how outrageous it is that confidential documents are being leaked by someone from the Judiciary Committee the weekend before this nomination is to be voted on.

Frankly, it is outrageous that confidential information is ever leaked around here. The fact that it has happened before does not make it any better.

I am not quite certain what the rules of the Senate are in pursuing the source of the leak, but, Mr. President, I certainly hope that every effort will be made by the committee and by the Senate to find out exactly who leaked this information, and whatever the penalty for that may be, in the judgment of this Senator, it ought to be imposed.

Mr. President, as I indicated earlier, I would like to speak for a few minutes in support of the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court.

A story about the Thomas nomination recently came to my attention, and I would like to repeat it, because I think it says a lot about what is involved with this nomination.

Shortly after the nomination was announced, the Thomases were at home one evening when there was an agitated knock at the door. Mrs. Thomas looked through a window to see an unshaven, dirty young man standing on the porch. Apprehensively, Mrs. Thomas opened the door slightly and asked the man what he wanted at this late hour.

The man responded by saying;

You probably don't remember me, but I sealed your driveway last summer. I used to appreciate how your husband would sit and talk to me. I felt like he really was interested in what I had to say.

A few months ago, my truck broke down, and your husband saw me and stopped. He took me to a gas station and made sure I was taken care of.

I just wanted to tell you that I feel like its him and me going through this together—because Mr. Thomas is one of us.

I relate this story because I think there are a lot of people out there, regardless of the color of their skin or where they came from, who feel that Clarence Thomas is "one of us"—particularly those of us who came from anonymous little towns, like Pin Point, GA—or my own birthplace of Sheffield, AL. We remember the humble beginnings, the scrimped savings, the strong family values, the lessons of hard times, hard work, and high hopes.

Not everyone born in such circumstances fulfills those high hopes, but Clarence Thomas clearly has. Building on the upbringing of his grandparents, and the solid education provided by Franciscan nuns, Thomas went on to Yale Law School, then to the Missouri attorney general's office, then to the EEOC, and on to the Court of Appeals for the D.C. Circuit.

Now he stands at the portals of the highest court in the land—probably exceeding even the highest hopes of his barely literate, but tremendously determined grandfather.

Today, the only thing standing between Clarence Thomas and the prize is this Senate body.

Some have come to this floor saying they will not support the nominee, because he did not reveal how he would vote on sensitive issues likely to come before the Supreme Court. I might say that I, too, would like to know how a Justice Thomas might rule on certain issues I am concerned about.

But I understand how such disclosures could prejudice his approach to specific cases, and I accept his decision not to comment on certain unsettled areas of constitutional law.

Further, I fail to see why we should hold Clarence Thomas to a different standard than we have applied to every other nominee who has been confirmed by this body, ever since I have been a Member of it.

Each of these other nominees flatly refused to comment on unsettled areas of the law—and they were not penalized for it. Yet there are those who want to punish Judge Thomas for taking the very same tack.

Above the front colonnade of the Supreme Court, this motto is etched in stone: "Equal Justice Under Law." If this motto means anything, it means that we do not use different standards for different people, depending on whether we like that person's views, or religion, or national origin, or color. And it seems to me that those who are opposing Judge Thomas, on the basis of his refusal to discuss certain issues, are violating that fundamental rule of equal justice.

Others have come out, perhaps a little more forthrightly, and said that they will oppose Judge Thomas because he is just not liberal enough for them. He does not satisfy their liberal litmus tests on issues like quotas and criminals' rights.

While that kind of approach is at least honest, it reflects a historic debasement of the advice and consent role invested in the Senate by our Constitution.

Back when I was serving as chief legislative assistant to Senator Marlow Cook, I wrote a law review article describing the Senate's advice and consent role in rejecting President Nixon's nominations of Judge Clement Haynsworth and Judge Harrold Carswell to the Supreme Court.

In that article, I noted that even though there were obvious political factors involved in the rejection of both nominees, the Senate went to great lengths to justify its action on the basis of the nominees' qualifications and fitness for the post.

In the confirmation debates, the Senate avoided discussing politics—even though politics played an important role in these proceedings. Instead, it focused on matters of professional qualifications, ethical propriety, and judicial temperament—not on the ideological views of the nominee.

Now, all of that has gone out the window. Judge Thomas is clearly qualified to the post—as was Judge Robert Bork before him. After processing 36,000 pages of documents and listening to about 100 witnesses, the Senate Judiciary Committee could find no blemish of ethical impropriety, official misconduct, or professional incompetence.

So, according to the old advice and consent standard followed by this body, Judge Thomas should be confirmed immediately to the Supreme Court.

Now, however, the nominee's views are the central focus of the advice and consent role—perhaps even more than qualifications, intellect, or experience. And when the nominee has not publicly

expressed his views, or declines to provide them in the confirmation hearings, then the views of the President who chose the nominee become the issue.

If anyone doubts whether political correctness is now more important than qualifications in Supreme Court nominations, just remember Judge Bork.

I believe this is an unfortunate debasement of our solemn advice and consent role. Through no fault of the members of the Judiciary Committee, for whom I have great respect, these confirmation hearings are deteriorating into a special interest circus.

Liberals, who are frustrated because their candidates have not been able to nominate a single Supreme Court Justice for a quarter-century, have taken the role of spoiler—carving up the nominees even before they are out of the starting gate.

This nomination was no exception: As soon as the President announced his choice, the special interest groups lined up their firing squad and vowed to "Bork him"—and to "kill him politically."

The confirmation hearings that followed were merely the lastest vintage of these old sour grapes.

Increasingly, the confirmation process resembles a national Supreme Court election: Polls are taken, millions of dollars are raised, TV ads are run, press conferences are held, direct mail is sent out by the truckload, and spin-doctors appear on the nightly news discussing who won the latest round.

The only difference between the modern Supreme Court confirmation process and a real election is that average people do not get to vote. That is what the Constitution provides, and I believe it is a wise rule.

Instead, however, the process is being hijacked by the beltway special interest machine, which clamors for one result or another, depending on each group's narrow, self-serving agenda. I do not think that is what the framers of the Constitution envisioned when they drafted the advice and consent clause.

Actually, the modern Supreme Court confirmation process is simply an outgrowth of the tide of political correctness that is suffocating intellectual life at our Nation's colleges an universities.

While even the Soviet Union is dismantling its KGB, in America, the liberal thought-police are poring over old journals, speeches, government documents, and newsclippings—looking for evidence of treason against the liberal doctrine.

If you listened to the testimony given by liberal interest groups against Judge Thomas, you probably noticed that there is a new code-word for "political correctness"—it is the word "mainstream".

According to these groups—some of which favor racial quotas, criminals' rights, and leniency for child pornographers, Judge Clarence Thomas is not in the mainstream of political ideology. Yet when you find out what these groups really stand for, you realize that the main stream they are talking about is the Potomac River.

For these groups, Thomas's capital offense is that he does not buy into the beltway orthodoxy of government giveaways, victimization, excuses, and rights without responsibilities.

Unlike these groups, Judge Thomas sees life beyond the beltway. He has seen with his own eyes the failure of government handouts. He is a living testament to the importance of education, hard work, discipline, and strong family values. And he knows how quotas and other forms of special treatment rob successful minorities of their rightful sense of proud achievement.

Even though many Americans have not endured the incredible life struggle that Judge Thomas has, I expect most people intuitively think the same way he does on these issues. That may be the reason why that workman on the Thomases' porch said what he said that night: "I feel like its him and me going through this together—because Mr. Thomas is one of us."

He does not think like a beltway regular. He did not grow up in privileged circumstances. And he does not forget the importance of everyday people—even the workman sealing his driveway. That kind of outlook is a rare commodity in Washington; and together with his professional qualifications, his distinguished record, his ethical propriety, and his sound judicial temperament, it makes Judge Clarence Thomas an ideal appointment to the U.S. Supreme Court.

For these reasons, I shall vote to support Judge Thomas tomorrow night.

I yield the floor.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PIPELINE SAFETY IMPROVEMENT ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 226, S. 1583, the Pipeline Safety Improvement Act; that the committee amendments be agreed to; that any statements appear at the appropriate place in the RECORD as if read; that the bill be deemed read three times and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Improvement Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) NATURAL GAS PIPELINE SAFETY.—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $5,562,000 for the fiscal year ending September 30, 1992;

"(11) $5,807,000 for the fiscal year ending September 3, *30*, 1993; and

"(12) $6,062,000 for the fiscal year ending September 30, 1994.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $1,391,000 for the fiscal year ending September 30, 1992;

"(11) $1,452,000 for the fiscal year ending September 30, 1993; and

"(12) $1,516,000 for the fiscal year ending September 30, 1994.".

(c) GRANTS-IN-AID.—Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(c)) is amended—

(1) by striking "and" immediately after "1990,"; and

(2) by inserting ", $7,000,000 for the fiscal year ending September 30, 1992, $7,280,000 for the fiscal year ending September 30, 1993, and $7,557,000 for the fiscal year ending September 30, 1994" after "1991".

DEFINITIONS

SEC. 3. (a) NATURAL GAS PIPELINE SAFETY.—Section 2 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(18) 'Environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined,

except to the extent that the Secretary finds that such inclusion will not contribute sub-

stantially to public safety or to the protection of the environment.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section [201] *202* of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting in lieu thereof [", and";] *"; and"*; and

(3) by adding at the end the following new paragraph:

"(12) ['environmentally,] *'environmentally* sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

ENVIRONMENTAL PROTECTION

SEC. 4. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(a)) is amended—

(1) in paragraph (1), by inserting "and the protection of the environment" immediately after "need for pipeline safety";

(2) in paragraph (1)(D), by inserting "and the protection of the environment" immediately after "contribute to public safety"; and

(3) in paragraph (3)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended—

(1) in subsection (a)(1), by inserting "and the protection of the environment" immediately after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property"; and

(3) in subsection (b)(4), by inserting "and the protection of the environment" immediately after "contribute to public safety".

IDENTIFICATION OF CERTAIN PIPELINES

SEC. 5. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(e)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(e)(2)) is amended by adding at the end the following: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(1)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(1)(2)) is amended by adding at the end the following new sentence: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

RAPID SHUTDOWN OF PIPELINE FACILITIES

SEC. 6. Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended by adding at the end the following new subsection:

[''(1)] *"(m)* RAPID SHUTDOWN OF PIPELINE FACILITIES.—The Secretary shall, within 24 hours after the date of enactment of this subsection, survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. The Secretary shall, within 12 months after the completion of such survey and assessment, issue regulations to establish standards for, and to require to the maximum extent practicable, procedures, systems, and equipment for as rapidly as possible—

"(1) detecting and locating ruptures of pipelines; and

"(2) shutting down those pipeline facilities, located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages, posing an imminent risk to such areas or such cities, towns, or villages.".

EXCESS FLOW VALVES

SEC. 7. (a) REGULATIONS AND STANDARDS.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672) is amended by adding at the end the following new subsection:

"(i) EXCESS FLOW VALVES.—

"(1) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow valves in new or renewed gas service lines. Such regulations shall be effective upon issuance.

"(2) PERFORMANCE STANDARDS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop standards for the performance of excess flow valves used to protect service lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary to require the use of excess flow valves. For cases where excess flow valves are in use but are not required to be used under such regulations, the Secretary shall publish such standards as guidance for State agencies which have filed certifications in accordance with section 5(a), and for operators of natural gas distribution systems.".

(b) STUDY.—The Secretary of Transportation shall undertake a study to evaluate the use of excess flow valves to improve safety in natural gas distribution systems. The study shall at a minimum include an assessment of the findings of the Gas Research Institute on the issue. The results of the study shall be used by the Secretary in the development of the performance standards for the use of excess flow valves under subsection (i) of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as added by subsection (a) of this section.

REPLACEMENT OF CAST IRON PIPELINES

SEC. 8. Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is amended by adding at the end the following new subsection:

"(c) REPLACEMENT OF CAST IRON PIPELINES.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas [Pipeline] *Piping* Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SAFETY OF PIPE NOT OWNED BY PIPELINE OPERATORS

SEC. 9. Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as amended by section 7 of this Act, is further amended by adding at the end the following new section:

"(j) PIPE NOT OWNED BY OPERATORS.—The Secretary shall conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial non-operators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream.".

ONE-CALL NOTIFICATION SYSTEMS

SEC. 10. (a) CIVIL PENALTY.—(1) Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687) is amended by adding at the end the following new subsection:

"(g) VIOLATION.—It shall be a violation of this Act for any person, prior to excavating with power operated equipment (other than for routine agricultural purposes)—

"(1) to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated; and

"(2) thereafter in the course of such excavation to damage a natural gas or hazardous liquid pipeline facility with the result that there is a pipeline incident required to be reported to the Secretary under this Act or the Hazardous Liquid Pipeline Safety Act.".

(2) Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a(a)(1)) is amended by inserting "or section 20(g)," immediately after "section 10(a)".

(b) NOTIFICATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.—(1) Section 15 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1682) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

(2) Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2011) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Ad-

ministration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 11. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(h)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

"(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(l)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 12. (a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities, with pipeline owners and operators, with the fishing and maritime industries, and with other affected groups, shall undertake a study of the abandonment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of whether abandonment in place should be discontinued;

(3) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(4) an analysis of alternative methods and requirements for abandonment, as well as the relevant costs and other factors associated with those alternative methods and requirements;

(5) an analysis of the navigational safety, environmental impacts, and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(6) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(7) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the results of such study, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of such study, the Secretary of Transportation may by regulation require operators of pipeline facilities abandoned before November 16, 1990, to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

TECHNICAL CORRECTION

SEC. [11.] *13.* Section 106(c)(1)(C) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(C)) is amended by inserting ", in other than bulk packaging," immediately after "commerce".

EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS

SEC. 14. The Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

Mr. HOLLINGS. Mr. President, I join Senators EXON, DANFORTH, and KASTEN in support of S. 1583, the Pipeline Safety Improvement Act of 1991. This bill represents a reasoned approach to dealing with some of the major challenges facing the pipeline industry.

For example, the bill addresses the general aging of the pipeline infrastructure and the extent to which pipeline operators have adopted safe management and replacement plans for cast iron pipe. It also provides for the expansion of the Department of Transportation's [DOT] pipeline safety responsibilities to include, in addition to protection of life and property, protection of the environment as a focus of DOT's efforts. Furthermore, as outside-force damage continues to be the major cause of pipeline accidents, it includes civil penalties for anyone who fails to use an appropriate one-call system prior to excavating, and causes reportable damage to a natural gas or hazardous liquid pipeline.

I urge my colleagues to support this reauthorization of the pipeline safety program.

Mr. EXON. Mr. President, I rise today to encourage my colleagues to support passage of legislation to reau-

thorize the Federal Pipeline Safety Program through fiscal year 1994. S. 1583, the Pipeline Safety Improvement Act of 1991, addresses several issues designed to improve the long-term safety of pipeline transportation.

The Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 provided for the Department of Transportation's [DOT] development and enforcement of regulations to govern the safe transportation by pipeline of natural gas and other hazardous liquids, such as gasoline and fuel oil. The acts also provided for State participation in the enforcement of Federal regulations. Currently, the Office of Pipeline Safety within DOT regulate pipeline safety under both the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

The legislation being considered today addresses safety and environmental issues raised during hearings before the Subcommittee on Surface Transportation by the Administrator of the Research and Special Programs Administration of DOT, the Chairman of the National Transportation Safety Board, the National Association of Regulatory Utility Commissions, and various industry representatives. In addition, my distinguished colleague, Senator DANFORTH, raised concerns regarding the adequacy of current pipeline safety laws and regulations as a result of findings which surfaced in the wake of several pipeline accidents which occurred in Missouri and Kansas. These accidents involved natural gas distribution lines, cast iron natural gas lines and older oil pipelines.

One major focus of the bill is the expansion of DOT's pipeline safety responsibilities to include environmental protection, in addition to the protection of life and property, in assessing safety priorities. In order to readily identify older pipelines, the bill requires pipeline companies to maintain maps that include the location of older pipelines and pipelines situated in urban and environmentally sensitive areas. Also, in order to minimize damages in urban and environmentally sensitive areas, the bill directs DOT to determine regulations for rapid detection and location to pipeline ruptures.

Furthermore, this legislation requires DOT to set performance standards and regulations for the use of excess flow valves where technically feasible and beneficial to public safety. This section also requires DOT to undertake a study to evaluate the ability of excess flow valves to improve safety in gas distribution systems.

Regarding the need for replacement of older cast iron pipelines, this bill requires DOT to publish a notice on the availability of industry guidelines for such replacement, as developed by the Gas Pipeline Technology Committee. Additionally, after the guidelines have been in place for 2 years, this section calls for DOT to determine the extent to which operators have adopted plans for safe management and replacement of cast iron pipe. Also, this bill mandates that DOT conduct a rulemaking to determine the safety of pipe not owned by pipeline operators, including requirements that distribution companies assume some additional operational and maintenance responsibilities.

The section on one-call notification systems provides authority for the imposition of civil penalties against any person who excavates, with power-operated equipment—other than for routine agricultural purposes—without first calling a one-call pipeline location notification system, resulting in damages to a pipeline that are required to be reported to the Secretary of Transportation. The bill also requires DOT to consult with the Occupational Safety and Health Administration [OSHA] to establish procedures to notify OSHA of pipelines accidents which may have violated OSHA regulations.

The bill also seeks to address problems which have occurred related to abandoned pipelines. S. 1583 requires operators who abandon underwater natural gas and hazardous liquid pipeline facilities after November 16, 1990, to report these abandonments to the Secretary of Transportation, as well as provide additional available information. The Secretary would use this and other information from affected parties to submit recommendations to Congress on further Federal action that should be taken to eliminate navigational hazards from such pipelines.

This bill is essential because continued authorization of these programs is vital to ensure not only the safety of lives and property, but also to deter potential danger and damage to our so very precious environment. I urge my colleagues to support passage.

Mr. ROBB. Mr. President, I rise today in support of the Pipeline Safety Improvement Act of 1991, and to engage in a colloquy with the senior Senator from Nebraska, the chairman of the Subcommittee on Surface Transportation on an issue of importance to the Commonwealth of Virginia.

Mr. President, in 1980, and again, in 1989, the city of Fredericksburg, VA, was the victim of pipeline spills, the more recent of which contaminated the Rappahannock River and shut down the city's water supply. The city believed that the disaster was compounded by an inability to participate in the enforcement proceedings of the Office of Pipeline Safety [OPS].

This issue has been addressed in the House bill, where members of the Virginia delegation, in particular Representatives BOUCHER and BLILEY, weighed in to include a requirement that States have an opportunity to comment prior to OPS enforcement actions, and that the States notify localities about the opportunity to comment. It is my understanding that these provisions were included as part of a compromise that was acceptable to the industry.

My question to the chairman is this: When the pipeline safety bill reaches conference, will he look favorably on the provision currently in the House bill, section 19 of H.R. 1489, providing for State and local input prior to enforcement actions?

Mr. EXON. Mr. President, I want to thank the Senator from Virginia for his concern, and say that, yes, I will work to see that the House language to which the Senator refers is given every consideration during the conference on this bill.

The bill (S. 1583) was deemed read the third time and passed, as amended, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Improvement Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) NATURAL GAS PIPELINE SAFETY.—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $5,562,000 for the fiscal year ending September 30, 1992;

"(11) $5,807,000 for the fiscal year ending September 30, 1993; and

"(12) $6,062,000 for the fiscal year ending September 30, 1994.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $1,391,000 for the fiscal year ending September 30, 1992;

"(11) $1,452,000 for the fiscal year ending September 30, 1993; and

"(12) $1,516,000 for the fiscal year ending September 30, 1994.".

(c) GRANTS-IN-AID.—Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(c)) is amended—

(1) by striking "and" immediately after "1990,"; and

(2) by inserting ", $7,000,000 for the fiscal year ending September 30, 1992, $7,280,000 for the fiscal year ending September 30, 1993, and $7,557,000 for the fiscal year ending September 30, 1994" after "1991".

DEFINITIONS

SEC. 3. (a) NATURAL GAS PIPELINE SAFETY.—Section 2 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(18) 'Environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined,

except to the extent that the Secretary finds that such inclusion will not contribute substantially to public safety or to the protection of the environment.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 202 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(12) 'environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

ENVIRONMENTAL PROTECTION

SEC. 4. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(a)) is amended—

(1) in paragraph (1), by inserting "and the protection of the environment" immediately after "need for pipeline safety";

(2) in paragraph (1)(D), by inserting "and the protection of the environment" immediately after "contribute to public safety"; and

(3) in paragraph (3)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended—

(1) in subsection (a)(1), by inserting "and the protection of the environment" immediately after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property"; and

(3) in subsection (b)(4), by inserting "and the protection of the environment" immediately after "contribute to public safety".

IDENTIFICATION OF CERTAIN PIPELINES

SEC. 5. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(e)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(e)(2)) is amended by adding at the end the following: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(i)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(i)(2)) is amended by adding at the end the following new sentence: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

RAPID SHUTDOWN OF PIPELINE FACILITIES

SEC. 6. Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended by adding at the end the following new subsection:

"(m) RAPID SHUTDOWN OF PIPELINE FACILITIES.—The Secretary shall, within 24 hours after the date of enactment of this subsection, survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. The Secretary shall, within 12 months after the completion of such survey and assessment, issue regulations to establish standards for, and to require to the maximum extent practicable, procedures, systems, and equipment for as rapidly as possible—

"(1) detecting and locating ruptures of pipelines; and

"(2) shutting down those pipeline facilities, located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages, posing an imminent risk to such areas or such cities, towns, or villages.".

EXCESS FLOW VALVES

SEC. 7. (a) REGULATIONS AND STANDARDS.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672) is amended by adding at the end the following new subsection:

"(i) EXCESS FLOW VALVES.—

"(1) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow valves in new or renewed gas service lines. Such regulations shall be effective upon issuance.

"(2) PERFORMANCE STANDARDS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop standards for the performance of excess flow valves used to protect service lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary to require the use of excess flow valves. For cases where excess flow valves are in use but are not required to be used under such regulations, the Secretary shall publish such standards as guidance for State agencies which have filed certifications in accordance with section 5(a), and for operators of natural gas distribution systems.".

(b) STUDY.—The Secretary of Transportation shall undertake a study to evaluate the use of excess flow valves to improve safety in natural gas distribution systems. The study shall at a minimum include an assessment of the findings of the Gas Research Institute on the issue. The results of the study shall be used by the Secretary in the development of the performance standards for the use of excess flow valves under subsection (i) of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as added by subsection (a) of this section.

REPLACEMENT OF CAST IRON PIPELINES

SEC. 8. Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is amended by adding at the end the following new subsection:

"(c) REPLACEMENT OF CAST IRON PIPELINES.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SAFETY OF PIPE NOT OWNED BY PIPELINE OPERATORS

SEC. 9. Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as amended by section 7 of this Act, is further amended by adding at the end the following new section:

"(j) PIPE NOT OWNED BY OPERATORS.—The Secretary shall conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial non-operators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream.".

ONE-CALL NOTIFICATION SYSTEMS

SEC. 10. (a) CIVIL PENALTY.—(1) Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687) is amended by adding at the end the following new subsection:

"(g) VIOLATION.—It shall be a violation of this Act for any person, prior to excavating with power operated equipment (other than for routine agricultural purposes)—

"(1) to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated; and

"(2) thereafter in the course of such excavation to damage a natural gas or hazardous liquid pipeline facility with the result that there is a pipeline incident required to be reported to the Secretary under this Act or the Hazardous Liquid Pipeline Safety Act.".

(2) Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a(a)(1)) is amended by inserting "or section 20(g)," immediately after "section 10(a)".

(b) NOTIFICATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.—(1) Section 15 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1682) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

(2) Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2011) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 11. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(h)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

"(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(1)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 12. (a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities, with pipeline owners and operators, with the fishing and maritime industries, and with other affected groups, shall undertake a study of the abandonment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of whether abandonment in place should be discontinued;

(3) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(4) an analysis of alternative methods and requirements for abandonment, as well as the relevant costs and other factors associated with those alternative methods and requirements;

(5) an analysis of the navigational safety, environmental impacts, and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(6) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(7) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the results of such study, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of such study, the Secretary of Transportation may by regulation require operators of pipeline facilities abandoned before November 16, 1990, to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

TECHNICAL CORRECTION

SEC. 13. Section 106(c)(1)(C) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(C)) is amended by inserting ", in other than bulk packaging," immediately after "commerce".

EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS

SEC. 14. The Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:46 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day."

The message also announced that pursuant to the provisions of title 22, United States Code, section 276a–1, the Speaker appoints to the delegation to attend the conference of the Interparliamentary Union to be held in Santiago, Chile, on October 5 through October 12, 1991, the following Members on the part of the House: Mr. FEIGHAN, Chairman, and Mr. BLAZ.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment:

S. 1720. A bill to amend Public Law 93–531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995 (Rept. No. 102–176).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE:

S. 1813. A bill to amend the Higher Education Act of 1965 to improve access to post secondary education for students with disabilities; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself and Mr. SEYMOUR) (by request):

S. 1814. A bill to amend title 5, United States Code, to establish a program of Public Service Scholarships, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1813. A bill to amend the Higher Education Act of 1965 to improve access to postsecondary education for students with disabilities; to the Committee on Labor and Human Resources.

POSTSECONDARY OPPORTUNITIES ACT FOR STUDENTS WITH DISABILITIES

Mr. DOLE. Mr. President, having a stable and rewarding job is a basic component of the American dream and access to postsecondary education makes that dream a reality. For too many years the dream has been out of reach for millions of Americans with disabilities. By signing the Americans with Disabilities Act [ADA] on July 26, 1990, President Bush established a new national policy of equal opportunity for every American.

Today, I join with Representative STEVE GUNDERSON in introducing the Postsecondary Opportunities Act for Students with Disabilities. This legislation is part of a larger effort to review our Federal policies in making sure that all programs are accessible to people with disabilities.

Despite the efforts of postsecondary institutions to expand and improve access for students with disabilities, more needs to be done. Recent research suggests that many disabled youth do not pursue postsecondary education. A Government study and other data indicates that "the postsecondary education participation rates of special education students are well below the national norms for nondisabled youth." In light of this situation, youth with disabilities experience tremendous difficulty developing the necessary skills to lead productive, independent, adult lives. My bill proposes: First, creation of a demonstration grant program that will encourage partnerships between institutions of higher education and secondary schools serving students with disabilities; second, grants to provide for the training of secondary teachers, and teachers in institutions of higher education; third, an allowance for support services, and access to work-study funds for students with disabilities; and fourth, support for enhanced access to higher education through telecommunications.

The centerpiece of the bill is the formulation of partnerships between institutions of higher education and secondary schools serving students with disabilities. These partnerships will improve the academic and vocational skills of secondary school students with disabilities, increase their opportunity to continue a program of education after secondary school to begin living independently in a postsecondary setting, and improve their prospects for employment after secondary school. Related provisions support the training of secondary and postsecondary faculty in making the curriculum accessible to students with disabilities.

Another critical component of the bill supports technological innovation and outreach. Over 300,000 individuals each year take postsecondary coursework for credit without ever leaving their homes. This rapid growth in the number of registered credit students now being served via telecommunications by degree granting institutions is expected to continue at a faster rate in the future, as technological advances continue and demand escalates. The miracle of television has removed barriers posed by lack of transportation, physical impairment, and family responsibilities for individuals motivated in their pursuit of educational opportunity.

The technical ingenuity and generous spirit of American education and business tell me that the promise of the ADA, and the dreams of Americans with disabilities can be realized. The bill I propose today takes another step in this direction. I urge my colleagues to join me in sponsoring this proposal.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Postsecondary Opportunities Act for Students With Disabilities".

(b) REFERENCES.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. LITERACY TUTORING.

Subparagraph (D) of section 144(b)(2) of the Act (20 U.S.C. 1018c(b)(2)(D)) is amended—

(1) in the matter preceding clause (i), by inserting "and individuals with disabilities" after "individuals";

(2) by striking "and" at the end of clause (i); and

(3) by inserting after clause (ii) the following new clause:

"(iii) students with disabilities; and".

SEC. 3. PARTNERSHIPS.

Title I of the Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following new part:

"PART E—PARTNERSHIPS

"SEC. 151. PURPOSE; ELIGIBILITY.

"(a) PURPOSE.—It is the purpose of this part to encourage the establishment of eligible partnerships to enable such partnerships to support programs that—

"(1) improve the academic and vocational skills of public and private nonprofit secondary school students with disabilities;

"(2) increase such students' opportunity to continue a program of education after the secondary school and begin living independently in a postsecondary setting; and

"(3) improve such students' prospect for employment after secondary school.

"(b) ELIGIBILITY.—For the purpose of this part the term 'eligible partnership' means a partnership between—

"(1) an institution of higher education or consortium thereof; and

"(2) a local educational agency that serves vocational students with disabilities.

"SEC. 152. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—The Secretary shall provide 10 demonstration grants in 10 different States to eligible partnerships to enable such

partnerships to develop, implement, and improve systems to provide postsecondary educational opportunities to students with disabilities from age 12 through the time at which such students exit secondary school.

"(b) APPLICATION.—Each partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Such application shall include a description of the goals of the proposed program.

"SEC. 153. USE OF FUNDS.

"Each eligible partnership receiving a grant under this part shall use such grant funds to—

"(1) identify students with disabilities for education at the postsecondary level and to encourage such students to complete secondary school and to undertake a program of postsecondary education;

"(2) publicize the availability of student financial assistance available to students with disabilities who pursue a program of postsecondary education;

"(3) encourage individuals with disabilities who have not completed programs of education at the secondary or postsecondary level to reenter such programs;

"(4) provide instruction in reading, writing, study skills, mathematics, and other subjects or activities (including independent living and work preparation) necessary for educational success beyond secondary school;

"(5) provide tutorial services;

"(6) provide personal counseling;

"(7) provide academic, vocational, and independent living advice (including referral to existing State and local programs) and other assistance in secondary school course selection;

"(8) provide exposure to cultural events, academic programs, and other activities not usually available to students with disabilities;

"(9) provide instruction designed to prepare students participating in the program assisted under this part for careers in which students with disabilities are particularly underrepresented; and

"(10) provide on-campus residential opportunities.

"SEC. 154. STIPENDS.

"Students with disabilities participating in a program assisted under this part may be paid stipends.

"SEC. 155. EVALUATION.

"(a) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of programs assisted under this part to evaluate and document the approaches and outcomes of such programs in order to determine such programs' effectiveness in providing services to students with disabilities and outcomes regarding students who received such services.

"(b) CRITERIA.—

"(1) IN GENERAL.—Each evaluation described in subsection (a) shall be conducted by individuals not directly involved in the administration of the program assisted under this part. Such independent evaluators shall develop evaluation criteria that provides for appropriate analysis of the information described in subsection (a).

"(2) OBJECTIVE MEASURES.—In order to determine a program's effectiveness in achieving the goals described in the application, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

"(c) REPORT TO CONGRESS AND DISSEMINATION.—The Secretary shall prepare and submit to Congress a review and summary of the results of the evaluations described in subsection (a) not later than June 30, 1994. The evaluations shall be disseminated through the appropriate clearinghouses and networks that the Secretary deems appropriate for such dissemination, and through direct communication with Federal, State, and local agencies. The evaluations shall also be submitted to the National Diffusion Network for consideration for possible dissemination.

"(d) FUNDING.—The Secretary shall reserve 2 percent of the amount appropriated to carry out this part to carry out the evaluation and dissemination activities required by this section.

"SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1992 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of this part.".

SEC. 4. ACCESS AND EQUITY TO EDUCATION FOR ALL AMERICANS THROUGH TELECOMMUNICATIONS.

Title II of the Act (20 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

"PART F—ACCESS AND EQUITY TO EDUCATION FOR ALL AMERICANS THROUGH TELECOMMUNICATIONS

"SEC. 251. PROGRAM ESTABLISHED; AUTHORIZATION OF APPROPRIATIONS; ELIGIBILITY.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to eligible partnerships to enable such partnerships to pay the Federal share of the cost of the activities described in the application submitted pursuant to section 252.

"(b) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1992 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of paragraph (1) shall remain available until expended.

"(c) ELIGIBLE PARTNERSHIP.—For the purpose of this part the term 'eligible partnership' means a partnership which—

"(1) shall consist of—

"(A) a public broadcasting entity or a consortium thereof; and

"(B) an institution of higher education or a consortium thereof; and

"(2) may also include a State, a unit of local government, or a public or private nonprofit organization.

"(d) FEDERAL SHARE.—The Federal share shall be 50 percent.

"SEC. 252. APPLICATION.

"(a) IN GENERAL.—Each eligible partnership desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(1) describe the education telecommunications activities or services to be assisted;

"(2) describe the administrative and management structure supporting such activities or services;

"(3) provide assurances that the financial interests of the United States in the telecommunications equipment, software and other facilities shall be protected for the useful life of such equipment, software or facilities;

"(4) describe the manner in which nontraditional postsecondary education students will benefit from the activities and services supported;

"(5) describe the manner in which special services, including captioned films, television, descriptive video and education media for individuals with disabilities, shall be supported; and

"(6) provide assurances that the eligible partnership will provide the non-Federal share of assistance under this part.

"(c) APPROVAL OF APPLICATIONS.—

"(1) IN GENERAL.—The Secretary shall, in approving applications under this part, give priority to applications which describe programs that—

"(A) include support for services to make captioned films, descriptive video and educational media available to individuals with disabilities who otherwise lack access to such educational materials;

"(B) will provide, directly or indirectly, activities or services to a significant number of postsecondary institutions;

"(C) improve access to accredited telecommunications coursework for individuals with disabilities otherwise denied such access;

"(D) will be available in a multistate area;

"(E) include evidence of significant support for the program from the business community; or

"(F) provides matching funds, in an amount which exceeds the required non-Federal share.

"(2) EQUITABLE GEOGRAPHIC DISTRIBUTION OF ASSISTANCE.—In approving applications under this part the Secretary shall ensure the equitable geographic distribution of grants awarded under this part.

"SEC. 253. AUTHORIZED ACTIVITIES.

"Grant funds awarded under this part shall be used for—

"(1) the acquisition of site equipment to provide the technical ability to receive diverse education services at schools, campuses, and work site locations;

"(2) satellite, fiberoptic and other distribution systems, and for local broadcast or other local distribution capability;

"(3) pre-service or in-service education and training for kindergarten through 4th grade teachers through interactive television conferencing;

"(4) preparation of telecommunications programs and software that support national, regional or statewide efforts to provide teaching and learning materials not otherwise available for local use; and

"(5) a loan service of captioned films, descriptive video and educational media in order to make such materials available, in accordance with regulations issued by the Secretary, in the United States for nonprofit purposes to individuals with disabilities, parents of individuals with disabilities, and other individuals directly involved in activities for the advancement of individuals with disabilities, including addressing problems of illiteracy among individuals with disabilities.

"SEC. 254. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'institution of higher education' has the same meaning given to such term by section 481(a);

"(2) the term 'public broadcasting entity' has the same meaning given to such term by section 397(11) of the Communications Act of 1934; and

"(3) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Amer-

ican Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

"SEC. 255. REPORT.

"(a) IN GENERAL.—Each recipient of a grant under this part shall submit a report to the Secretary not later than 30 days after the conclusion of the grant period.

"(b) CONTENTS.—Each report described in subsection (a) shall include—

"(1) a description of activities and services assisted under this part;

"(2) a description of the population served by the program; and

"(3) an assessment of the ability of private sector entities participating in the eligible partnership to continue the support of the activities and services in the absence of Federal funding.

"(c) DISSEMINATION.—The Secretary shall select reports received under this subsection that are appropriate for dissemination to the education community and shall make such reports available through the National Diffusion Network.".

SEC. 5. PELL GRANT EXCEPTION FOR STUDENTS WITH DISABILITIES.

Subparagraph (B) of section 411(b)(2) of the Act (20 U.S.C. 1070a(b)(2)(B)) is amended by adding after the first sentence thereof the following new sentence: "For the purpose of receiving a basic grant under this subpart, students with disabilities shall be considered full-time students when such students are taking 6 or more credit hours at an institution of higher education.".

SEC. 6. PERSONAL ASSISTANCE SERVICES FOR STUDENTS WITH DISABILITIES.

(a) PELL GRANTS.—Clause (v) of section 411F(5)(B) of the Act (20 U.S.C. 1070a-6(5)(B)(v)) is amended to read as follows:

"(v) an allowance for the costs of special services, equipment, and personal assistance, including assistive technology services and devices required for attendance of students with disabilities that are not provided by other assisting agencies;".

(b) GENERAL NEED ANALYSIS.—

(1) COST OF ATTENDANCE.—Paragraph (8) of section 472 of the Act (20 U.S.C. 1087ll(8)) is amended to read as follows:

"(8) for a student with a disability, an allowance for expenses related to such student's disability, including special services, personal assistance, transportation, equipment, assistive technology services and devices, and supplies that are reasonably incurred; and".

(2) DEFINITION.—Section 480 of the Act (20 U.S.C. 1087vv) is amended by adding at the end the following new subsection:

"(j) PERSONAL ASSISTANCE.—The term 'personal assistance' means one person assisting another individual with tasks which such individual would typically do if such individual did not have a disability and which are necessary to enable the individual with a disability to participate fully in postsecondary opportunities, including assisting such individual with major life activities.".

SEC. 7. TERMINOLOGY.

Subparagraph (A) of section 417D(c)(1) of the Act (20 U.S.C. 1070d-1b(c)(1)(A)) is amended by striking "be physically handicapped" and inserting "be individuals with disabilities".

SEC. 8. WORK-STUDY.

Subsection (b) of section 443 of the Act (20 U.S.C. 2753(b)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) provide assurances that employment made available from funds under this part may be used to support programs that provide support services to students with disabilities; and".

SEC. 9. TOLL FREE NUMBER.

Subsection (e) of section 483 of the Act (20 U.S.C. 1090(e)) is amended by inserting after "general public" the following: "and to refer students with disabilities and their families to the postsecondary clearinghouse authorized under section 633 of the Individuals With Disabilities Education Act".

SEC. 10. TRAINING GRANTS.

(a) IN GENERAL.—Part D of title V of the Act (20 U.S.C. 1111 et seq.) is amended by adding at the end the following new subpart:

"SUBPART 3—FACULTY DEVELOPMENT GRANTS

"SEC. 567. TRAINING GRANTS.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to institutions of higher education to enable such institutions to—

"(1) develop model programs that provide training to secondary school faculty to prepare students with disabilities for postsecondary educational opportunities, including postsecondary educational opportunities provided pursuant to part E of title I; and

"(2) establish programs of faculty development for faculty who teach in an institution of higher education to prepare such faculty for the enrollment of students with disabilities at such institution.

"(b) USE OF GRANTS.—The grants described in subsection (a) may be used to—

"(1) provide scholarships, including stipends and allowances, to faculty described in paragraph (1) or (2) of subsection (a);

"(2) develop materials and inservice programs to assist such faculty in making the curriculum at an institution of higher education accessible to students with disabilities; and

"(3) provide funds to support the release of such faculty from teaching assignments for the purpose of educating such faculty regarding the needs of students with disabilities.

"(c) SPECIAL RULES.—The Secretary shall ensure that grants awarded under subsection (a)(1) are used for programs that are in compliance with State and professionally recognized standards for the training of special education personnel.

"(d) APPLICATION.—Each institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of section 502 of the Act (20 U.S.C. 1101a(d)) is amended by adding at the end the following new paragraph:

"(3) For subpart 3 of part D, there are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 11. DEFINITION.

Section 1201 of the Act (20 U.S.C. 1141) is amended by adding at the end the following:

"(n) AUXILIARY AID.—The term 'auxiliary aid' has the same meaning given to such term by section 3(1) of the Americans With Disabilities Act of 1990.

"(o) DISABILITY.—The term 'disability' has the same meaning given to such term by section 3(2) of the Americans With Disabilities Act.".

SEC. 12. RIGHTS AND RESPONSIBILITIES.

Section 1202 of the Act (20 U.S.C. 1145b) is amended—

(1) by inserting "(a) ANTIDISCRIMINATION.—" after "SEC. 1202."; and

(2) by adding at the end the following:

"(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act shall be construed to limit the rights or responsibilities of any individual under the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, or any other law providing protections or services to individuals with disabilities.".

SEC. 13. CLEARINGHOUSE.

Title XII of the Act (20 U.S.C. 1141 et seq.) is amended by adding at the end the following new section:

"SEC. 1214. CLEARINGHOUSE.

"(a) PURPOSE.—It is the purpose of this section to establish a clearinghouse to coordinate the production and distribution of educational materials in accessible form, especially audio and digital text production, to the college and university based print-disabled population.

"(b) CLEARINGHOUSE AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award a grant or contract to establish a National Clearinghouse for Postsecondary Education Materials (hereafter in this section referred to as the 'Clearinghouse').

"(2) COMPETITIVE BASIS.—The grant or contract awarded pursuant to paragraph (1) shall be awarded on a competitive basis.

"(3) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 3 years.

"(c) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

"(1) catalog, in computer-readable form, postsecondary education materials;

"(2) identify college campus-based services producing taped texts the technical and reader quality of which make such texts appropriate for inclusion in the Clearinghouse, and to share quality control standards with campus-based disabled student support services offices;

"(3) promote data conversion and programming to allow the electronic exchange of bibliographic information between existing online systems;

"(4) encourage outreach efforts that will educate print-disabled individuals, as such term is defined in section 652(d)(2) of the Individuals With Disabilities Education Act, educators, schools and agencies about the Clearinghouse's activities;

"(5) upgrade existing computer systems at other clearinghouses;

"(6) coordinate identifiable and existing data bases containing postsecondary education materials with the programs authorized under section 652(d) of the Individuals With Disabilities Education Act; and

"(7) develop and share national guidelines and standards for the production of audio and digital text material.

"(d) FEDERAL SHARE LIMITATION.—The Federal share of the cost of the Clearinghouse established under this section shall not exceed—

"(1) 80 percent of such cost in the first year;

"(2) 60 percent of such cost in the second year; and

"(3) 50 percent of such cost in the third year.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 and 1995 to carry out the provisions of this section.".

By Mr. STEVENS (for himself and Mr. SEYMOUR):

S. 1814. A bill to amend title 5, United States Code, to establish a program of public service scholarships, and for other purposes; to the Committee on Governmental Affairs.

PUBLIC SERVICE SCHOLARSHIP ACT OF 1991

• Mr. STEVENS. Mr. President, at the request of the administration, today I am introducing legislation to establish a program of public service scholarships for the Federal Government. Senator JOHN SEYMOUR has agreed to cosponsor this bill. I am pleased to be associated with this proposal which is similar to one I made in the last Congress. This bill is identical to H.R. 2894 which was recently introduced by Congressman BEN GILMAN.

The National Commission on the Public Service, widely known as the Volcker Commission, and others have consistently warned that public service is often seen as the career of last resort. Unfortunately, this has been especially true for those who have, or are developing, skills which are in demand. The establishment of a scholarship program will allow Federal agencies to enter into agreements with promising students to pay educational costs in return for an employment commitment following graduation.

The bill I am introducing today will permit this partnership by establishing the Public Service Scholarship Program. This program would allow Federal agencies to award scholarships for 1 to 4 years in return for a commitment from the student to work for the agency for 18 months for each year of financial assistance.

The Office of Personnel Management would contract with a nonprofit organization to seek out and select candidates for this program. Agencies would select individuals from this group of candidates and enter into a written agreement with the students. An individual who fails to complete his or her studies, or does not complete the required period of employment, would be responsible for repaying the scholarship amount in full.

Mr. President, there has been some concern expressed that the recently-engaged Federal pay reform legislation contains sufficient flexibilities to address recruitment and retention problems currently faced by Federal agencies. Although this is a valid concern, I believe that this program will provide agencies with an additional tool to allow them to specifically target shortage occupations and assist students who are developing the necessary skills.

I ask unanimous consent that the complete text of this bill, a sectional analysis, and the transmittal letter from the Office of Personnel Management be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Service Scholarship Act of 1991".

SEC. 2. (a) Part III of title 5, United States Code, is amended by adding after chapter 35 the following new chapter:

"CHAPTER 36—PUBLIC SERVICE SCHOLARSHIP PROGRAM

"Sec.
"3601. General; definitions.
"3602. Selection of candidates.
"3603. Scholarship agreements.
"3604. Scholarship payments.
"3606. Regulations; report.

"§ 3601. General; definitions

"(a) The Office of Personnel Management shall establish a program under which agencies may award scholarships to outstanding students in return for a commitment by the students to accept employment with the agencies for a specified period of service.

"(b) For the purposes of this chapter—

"(1) 'agency' means an Executive agency; and

"(2) 'Office' means the Office of Personnel Management.

"§ 3602. Selection of candidates

"(a) The Office is authorized, without regard to title 41 to other statute requiring competitive bidding, to enter into a contract with one or more not-for-profit, non-government organizations to seek out and select candidates for the Public Service Scholarship Program in accordance with this section and the direction of the Office.

"(b)(1) Candidates for the Public Service Scholarship Program shall be selected on the basis of—

"(A) academic excellence and a commitment to public service or to a field of endeavor of use to the Government; and

"(B) geographic diversity from throughout the United States.

candidates shall be selected without regard to race, color, religion, sex, national origin, marital status, age, disabling condition, or political party or affiliation.

"(2) A Federal employee may be selected as a candidate for the Public Service Scholarship Program.

"(c) A contract awarded by the Office under this section shall specify the efforts that shall be made by the contractor to ensure that applicants for the Public Service Scholarship Program are sought out from all of the diverse groups that comprise the Nation.

"(d) The Office and the Comptroller General shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a contractor under this section that are pertinent to the contract.

"§ 3603. Scholarship agreements

"(a) An agency may select, from among the candidates identified under section 3602, an individual to receive a Public Service Scholarship from the agency.

"(b) The agency and the individual who is selected under subsection (a) shall enter into a written agreement which shall specify such matters as the Office and the agency may determine appropriate, and under which—

"(1) the agency shall provide a scholarship, as determined under section 3604, to the individual to assist the individual in pursuing a full-time course of study, for a period of not less than 1 nor more than 4 academic years, leading to a bachelor's, master's, or doctor's degree at an accredited educational institution that is authorized to grant such degree;

"(2) the individual shall pursue such course of study, maintaining an acceptable academic standing, until such degree is awarded, and shall provide to the agency such certification from the education institution as the agency may require of the individual's attendance and academic standing during such period of study;

"(3) the agency shall appoint such individual, upon receipt of such degree, to full-time employment in the agency in a position—

"(A) in the excepted service, if the individual has not previously acquired competitive status, and, upon successful completion of 2 years of employment by the individual and the satisfaction of such requirements as the Office may prescribe, shall appoint the individual to a position in the competitive service, notwithstanding subchapter I of chapter 33; or

"(B) in the competitive service, if the individual has previously acquired competitive status; and

"(4) the individual shall serve as an employee of the agency for 18 months for each academic year of study during which scholarship assistance was provided.

"(c)(1) An individual who has entered into an agreement with an agency under this section and who—

"(A) fails to complete the specified degree in the specified field of study at the specified academic institution in the specified period of time; or

"(B) fails to complete the specified period of service as an employee,

shall repay to the agency the entire amount the agency has paid as scholarship assistance to or on behalf of the individual under the agreement, unless the agency determines that some or all of such repayment should be forgiven because requiring repayment would violate equity and good conscience or be against the public interest.

"(2) An amount subject to repayment under this subsection shall be recoverable from the individual or individual's estate by—

"(A) set off against accrued pay, compensation amount of retirement credit, or other amount due the individual as an employee of the Government; and

"(B) such other method as is provided by law for the recovery of amounts owing to the Government.

"(d)(1) An agency and an individual who have entered into an agreement under this section may, by mutual agreement, modify or terminate the agreement at any time.

"(2) An agency may unilaterally terminate an agreement under this section at any time, in which case the individual shall have no further obligation to the agency.

"(3) An agency may agree to allow the individual to complete part or all of the period of service required under subsection (b)(4) as an employee of another agency, subject to any agreement between the two agencies on reimbursement for the cost of the scholarship assistance.

"§ 3604. Scholarship payments

"(a) The Office shall determine the amount that may be paid as a scholarship under this chapter, on the basis of average costs at public and private educational institutions, covering tuition and fees, books and necessary expenses, appropriate living expenses, and any estimated tax liability for such scholar-

ship. The amount may vary by level of degree being sought. The Office may revise the maximum amount from time to time, as the Office determines appropriate.

"(b)(1) Agencies are authorized to make scholarship payments from the appropriation, fund, or account that is available to pay salaries or employees of the activity where the recipient of the scholarship assistance is expected to be employed.

"(2) Appropriations are authorized to be made to the Office to permit the Office to reimburse agencies for scholarship payments under this chapter, or for portions of such payments, in order to encourage agencies to make use of the Public Service Scholarship Program established under this chapter.

"§ 3605. Regulations; report

"(a) The Office may prescribe regulations and criteria that it determines necessary for the administration of this chapter.

"(b) The Office shall prepare and submit to Congress each year a report on the operation of the Public Service Scholarship Program established under this chapter.".

(b) The table of chapters for part III of title 5, United States Code, is amended by adding after the item relating to chapter 35 the following new item:

"36. Public service scholarship program ..... 3601".

SEC. 3. The amendments made by this Act are effective on the date of enactment.

SECTION-BY-SECTION ANALYSIS

The first section titles the bill as the "Public Service Scholarship Act of 1991."

Section 2(a) amends title 5, United States Code, by adding a new chapter 36, "Public Service Scholarship Program."

The first section of chapter 36 requires the Office of Personnel Management (OPM) to establish a program under which agencies would be authorized to award scholarships to outstanding students who agree to work for the agencies for specified periods of service. It also provides definitions of "agency" and "Office" for use under chapter 36.

The second section of chapter 36 governs the selection of candidates for the program. Subsection (a) authorizes OPM to contract noncompetitively for the recruitment and selection of candidates for the program. Subsection (b) specifies that candidates must be selected on the basis of academic excellence, a commitment to public service or to a field of use to the Government, and geographic diversity from throughout the United States, but without regard to race, color, religion, sex, national origin, marital status, age, disabling condition, or political party or affiliation. It also authorizes the selection of a Federal employee as a candidate. Subsection (c) requires the contract to specify the efforts the contractor must make to ensure that applicants are sought from all of the diverse groups in the Nation. Subsection (d) grants OPM and the Comptroller General access to pertinent books, documents, papers, and records of a contractor under this section, for the purpose of audit and examination.

The third section of chapter 36 describes the scholarship agreements that must be entered into between agencies and individuals who are selected under the program. Subsection (a) authorizes an agency to select, from the candidates indentified under the previous section, an individual to receive a scholarship from the agency under this program. Subsection (b) outlines the major provisions to be incorporated into the written agreement, under which the individual must be a full-time student pursuing a bachelor's, master's, or a doctors degree at an accredited institution for at least 1 and not more than 4 years, maintaining an acceptable academic standing until the degree is awarded, and under which the agency must appoint the individual, upon receipt of the degree, to full-time employment in the agency, either in the competitive service, if the individual has competitive status, or in the excepted service, if the individual lacks such status, with subsequent noncompetitive appointment to the competitive service following successful completion of 2 years of employment and satisfaction such other requirements as OPM may prescribe. It also requires the individual to complete 18 months of service with the agency for each year of scholarship provided. Subsection (c) specifies that an individual who has entered into an agreement and who either fails to meet the academic requirements under the agreement or fails to complete the required period of employment must repay the entire amount of scholarship assistance provided unless the agency forgives some or all of the debt because requiring repayment would be contrary to equity and good conscience or the interests of the Government. Subsection (d) authorizes modification or termination of an agreement by mutual consent of the agency and the individual. It also authorizes unilateral termination of an agreement by an agency, with such termination relieving the individual of any further obligation. In addition, the subsection permits an agency to allow the individual to complete some or all of the required service with another agency, subject to any agreement between the agencies regarding reimbursement for the scholarship assistance provided.

The fourth section of chapter 36 describes the scholarship payments to be made under the program. Subsection (a) requires OPM to determine the amount to be paid based on the average costs at public and private schools, including tuition and fees, books and necessary expenses, and appropriate living expenses, and taking into account any estimated tax liability for such scholarship. The amount may be fixed at different levels for different levels of degrees sought, and OPM may revise the maximum amount payable from time to time. Subsection (b) authorizes scholarship payments to be made from the money available for salaries and expenses in employed. Subsection (c) authorizes appropriations to OPM for reimbursement of agency payments to encourage use of the program.

The fifth section of chapter 36 authorizes OPM to prescribe regulations and criteria it determines necessary to administer the chapter, and requires OPM to report annually to Congress on the operation of the program.

Section 2(b) makes a conforming amendment.

Section 34 provides that the amendments made by the Act are effective on the date of enactment.

U.S. OFFICE OF
PERSONNEL MANAGEMENT,
Washington, DC.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Office of Personnel Management (OPM) submits herewith a legislative proposal, "To amend title 5, United States Code, to establish a program of Public Service Scholarships, and for other purposes." We request that this proposal be referred to the appropriate committee for early consideration.

This proposal would establish a program under which Federal agencies would enter into scholarship agreements with promising candidates for undergraduate or graduate education. Under these agreements, the agencies would provide scholarships to the candidates, and in return the candidates would be obligated to work for the agencies after receiving their degrees.

For a number of years, the Government has had increasing difficulty recruiting the very best graduates into the Federal service. Demographic trends indicate that competition among employers for quality graduates will make this task even more difficult in the future. It is clear that the Government, like other employers, will have to take innovative approaches to meet these demands. The National Commission on the Public Service (the "Volcker Commission") and others have recommended the establishment of a scholarship program under which the Government would pay the educational costs of promising students in return for their commitment to enter Government employment after graduation. Such a scholarship program, in addition to the actual scholarship recipients it would recruit to Federal service, would increase the visibility and awareness among students of the Federal Government as a career opportunity.

Accordingly, OPM has prepared the enclosed legislative proposal to establish such a scholarship program. We have designed this program to minimize central administration and to maximize the involvement and responsibility of the Federal departments and agencies that will be employing the scholarship recipients. OPM would contract with one or more not-for-profit, nongovernmental organizations to recruit and select candidates for the program on the basis of academic excellence, a commitment to public service or to an occupational field of use to the Government, and geographic diversity. Efforts would be required to seek candidates from all of the diverse groups that comprise the Nation, although the selection of candidates would be without regard to race, color, religion, sex, national origin, marital status, age, disabling condition, or political party or affiliation.

Once the best candidates are selected, agencies would be able to choose those candidates best suited for the agencies' particular employment needs, and enter into scholarship agreements with them. Under these agreements, the agencies would agree to provide a scholarship for 1 to 4 years, in return for which the scholarship recipient would agree to serve as an employee of the agency 18 months for each year of scholarship assistance.

The amount of the scholarships would be determined by the Office of Personnel Management on the basis of average costs for tuition and fees, books are necessary expenses, appropriate living expenses, and any estimated tax liability for the scholarship. Based on current costs at public and private educational institutions, we would project that the scholarship amounts would be about $8500 per year for undergraduate education and $9500 for graduate education for the 1992-93 academic year. These amounts would be subject to adjustment in the future as costs change. Scholarships would be paid by the agencies, but OPM would have a limited authority to pay the full costs of scholarships, or to share the costs with agencies, in order to build agency interest in the program at its commencement.

We believe this program would provide a cost-effective method for attracting quality employees for the future, and for enhancing the image of the Federal Government in the academic community as an attractive employer.

The Office of Management and Budget advises that there is no objection to the submission of this proposal, and that its enactment would be in accord with the program of the President.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

CONSTANCE BERRY NEWMAN,
Director.●

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 239

At the request of Mr. SARBANES, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 401

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the School Lunch Program offer students specific types of fluid milk, and for other purposes.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 765

At the request of Mr. BREAUX, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 922

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 922, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by electric utilities to customers to subsidize the cost of energy conservation services and measures.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1218

At the request of Mr. BAUCUS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1218, a bill to enhance the conservation of exotic wild birds.

S. 1219

At the request of Mr. BAUCUS, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1219, a bill to enhance the conservation of exotic wild birds.

S. 1332

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1423

At the request of Mr. DODD, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1610

At the request of Mr. BAUCUS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the provisions relating to deposit requirements for employment taxes.

S. 1648

At the request of Mr. MCCAIN, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1648, a bill to amend title VII of the Public Health Service Act to reauthorize and expand provisions relating to area health education centers, in order to establish a Federal-State partnership, and for other purposes.

S. 1711

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1711, a bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes.

S. 1718

At the request of Mr. COHEN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1718, a bill to amend titles II and XVI of the Social Security Act to improve procedures for the determination of disability for purposes of eligibility under such titles.

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of

the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

AMENDMENT NO. 1247

At the request of Mr. WARNER his name was added as a cosponsor of amendment No. 1247 intended to be proposed to H.R. 2621, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that three hearings have been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on various titles of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991, and other water legislation.

The first hearing will take place on Tuesday, October 22, 1991, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC, and will cover the following titles of H.R. 429:

Title X—Miscellaneous Provisions, Central Valley Project.
Title XI—Salton Sea Research Project.
Title XXIV—Sly Park Unit, Central Valley Project.
Title XXVII—Solano Project Transfer and Putah Creek Improvement.
Title XXIX—San Juan Suburban Water District.
Title XXX—Trinity River Division, Central Valley Project.

The second hearing will take place on Wednesday, October 23, 1991, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC, and will cover S. 1618, a bill to permit the Mountain Park Master Conservancy District in Oklahoma to make a payment to satisfy certain obligations to the United States; S. 724, a bill to clarify cost-share requirements for the flood control project, Rio Grande Floodway, San Acacia to Bosque del Apache Unit, New Mexico; S. 1370, a bill to authorize the Secretary of the Interior in cooperation with the Secretary of Energy to make available Pick-Sloan Missouri River Basin Program project pumping power to non-Federal irrigation projects in the State of Montana; and the following titles of H.R. 429:

Title XII—Amendment to Sabine River Compact.
Title XXI—Insular Areas Study.
Title XXII—Sunnyside Valley Irrigation District, Washington.
Title XXVI—High Plains Groundwater Program.
Title XXVIII—Desalination.

The third hearing will take place on Thursday, October 24, 1991, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC, and will cover the following titles of H.R. 429:

Title XVI—Wastewater Reclamation and Reuse.
Title XV—Amendment to the Reclamation Project Act of 1939.
Title XVIII—Grand Canyon Protection.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366, Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531, or Anne Svoboda at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, October 7, at 6:30 p.m. to hold a hearing on two State Department nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMENDMENT OF STANDING RULES

• Mr. FORD. Mr. President, at a meeting held October 3, 1991, the Committee on Rules and Administration ordered reported favorably an original resolution to conform the standing rules of the Senate with recent changes in law.

The Legislative Branch Appropriations Act, 1992, includes a number of provisions that have the effect of changing the standing rules. It amends section 501 of the Ethics in Government Act with regard to outside earned income of Members, officers, and staff. This resolution would incorporate section 510 into the standing rules by reference as rule XXXVI.

That act also included provisions pertaining to gifts and conflicts of interest. This resolution makes the necessary adjustments to rule XXXV, "Gifts", and rule XXXVII, "Conflict of Interest," to conform those rules with the changes made in that act.

Rule XXXVIII, "Prohibition of Unofficial Office Accounts" would also be amended to incorporate by reference provisions of the Legislative Branch Appropriations Act, 1991, which take effect at the beginning of the second session of the 102d Congress. Those provisions would require that only appropriated and personal funds be used to defray official expenses of a Member.

Also, the provisions of the Americans With Disabilities Act of 1990 pertaining to Senate employment practices are incorporated by reference in rule XLII, "Employment Practices."

In addition, the resolution contains other modifications to correct a paragraph reference and to reflect technical changes to the Ethics in Government Act adopted in 1990 that were not heretofore made to the standing rules.•

THE LEARNING LAB PROGRAM IN MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 6

• Mr. COHEN. Mr. President, I want to take a moment to recognize and praise the National Education Association [NEA] and the Maine Teachers Association [MTA], in conjunction with a very special public school district in Maine. With the support of the NEA and the MTA, Maine School Administrative District No. 6 [S.A.D. 6], which includes the towns of Buxton, Hollis, Limington, and Standish, has implemented an innovative program called the Learning Laboratory.

The Learning Lab is a pilot program dedicated to developing methods of reform and restructuring within the classroom in order to improve educational opportunities for all students. Some restructuring methods to improve learning, team and cooperative planning among teachers, and financing approaches that supplement property taxes. The success of this unique initiative will be tested among a research base of 16 schools nationwide. I am proud that S.A.D. 6 has been chosen to participate and represent the State of Maine in this study.

In order to be chosen, S.A.D. 6 had to meet a set of criteria established by the NEA, which developed this program and selected the participating schools. The criteria included requirements that the schools improve teaching methods, provide sufficient resources and time to support and train all participants, and that they collaborate with public and private higher education institutions. S.A.D. 6 was chosen because it met all of the criteria and because it is enthusiastically committed to redesigning its current learning program.

In conjunction with the Maine Teachers Association, the NEA's role will be to provide staff support, consultation and networking with key national organizations, and financial support. With a grant of $5,000 from the NEA and $10,000 from the Maine Teachers Association, S.A.D. 6 has already embarked on its mission to prepare its students for the 21st century. Once again, I want to thank the NEA and MTA, and to congratulate S.A.D. 6 on its selection.•

ANTI-BOYCOTT PASSPORT ACT

• Mr. LAUTENBERG. Mr. President, on Friday, the Senate passed by voice

vote the conference agreement on the State Department authorization bill. I rise to express my support for a provision which I authored, the Anti-Boycott Passport Act, which was included in the conference agreement. The provision is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department and American citizens traveling in the Middle East from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership-sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport had an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new diplomatic passport and rendering my old diplomatic passport usable only for travel to Israel. That the Saudis would not take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israel and stigmatizes our friend and ally Israel by issuing Israel only passports.

It is not only Saudi Arabia and Kuwait that reject American passports if they have an Israeli entrance stamp. The State Department has compiled a list of various countries' passport restrictions. According to the State Department's list, the following Arab League countries will not take a passport with an Israeli entrance stamp or marking: Algeria, Bahrain, Jordan, Kuwait, Oman, Saudi Arabia, Sudan, Syria, United Arab Emirates, and Yemen.

The provision in the conference agreement on the State Department authorization bill is in line with a bill I introduced, S. 845, the Anti-Boycott Passport Act, which was included in the version of the State Department authorization bill that the Senate approved. Representatives BERMAN and SNOWE, chairman and ranking minority member of the House International Operations Subcommittee of the Foreign Affairs Committee, introduced an identical bill in the House of Representatives. A hearing was held on June 13. Former State Department legal advisor Sofaer testified in support of this bill. During the conference on the State Department authorization bill, the House receded to the Senate on this provision with some minor modifications.

The State Department authorization bill would require Secretary Baker to negotiate with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials, diplomats, and employees of the United States Government to enable them to acquiesce in the Arab League passport policy within boycotts Israel. The prohibition on duplicate diplomatic official passports for Government employees, diplomats, and officials would kick in within 60 days if the required negotiations have not begun, or if the Secretary of State does not submit the required report on prospects for successful negotiations to the Congress.

The authorization bill would prohibit the State Department from issuing so-called Israel only passports. So, for example, if the Saudis want to persist in their policy, United States travelers would be issued Saudi only passports by the State Department, and Saudi Arabia would suffer the stigma and isolation United States passport policies currently impose on Israel. The State Department could and should do that now.

Mr. President, this legislation would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for United States nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an Israel only passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries—and not on Israel by issuing Arab only passports, or Saudi only passports, for example.

The provision would force the Arab League countries—which the United States defended in the recent war—to accept passports from United States officials, Government employees, and diplomats even if they have visited Israel. They already should.

The provision would move the Arab League countries in the right direction, and would prevent the State Department from acquiescing in their policy which discriminates against Israel. Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. Our companies are prohibited from complying with the boycott. We should expect no less from our diplomats and officials. They too should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to United States citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should. But it does not want to. We must enact this legislation and put an end to this outrageous practice.●

IN RECOGNITION OF PINECREST SCHOOLS

● Mr. SEYMOUR. Mr. President, I rise in recognition of the 40th anniversary of Pinecrest Schools in my home State of California. Founded on September 3, 1951, the Pinecrest Schools have provided quality instruction based on the highest academic standards to preschool, primary, intermediate, and junior high school students.

Along with academic achievement, Pinecrest Schools stress the development of creativity, character, and citizenship. As envisioned by the late Edna Mae Dye, founder of Pinecrest Schools, these traits, important in their own right, are also mutually supportive.

As the school's purpose and philosophy sets out:

> Opportunities to be creative—to think clearly, constructively, and independently—encourage the desire to learn. Strength in creative thinking combines with strength in academics to develop character. And character is the foundation of good citizenship.

Pinecrest Schools is guided today by Dr. Philip H. Dye, educational administrator, and Don L. Dye, business administrator. The 14 campuses and approximately 7,000 students that make up the Pinecrest Schools today, under the direction of Philip and Don Dye, continue to reflect the ideal established in 1951:

> The intellectual, moral and physical development of each student—achieved through a program of studies, student activities and athletics designated to stimulate interest and creativity.

I ask my colleagues to join me in saluting the 40th anniversary of Pinecrest Schools and in wishing the Dye family, the Pinecrest administrators, faculty, students, and parents our very best.●

FRANCINE C. FERNANDEZ: HAWAII'S 1991 DISTINGUISHED PRINCIPAL

● Mr. AKAKA. Mr. President, I rise today to pay tribute to a truly remarkable individual, whose dedication, creativity, and devotion to excellence have won her well-deserved national recognition. I wish to extend my heartiest congratulations to Hawaii's 1991 National Distinguished Principal, Ms. Francine C. Fernandez of Kailua Elementary School.

Ms. Fernandez is one of 59 outstanding educational leaders who have been

honored for their exceptional contributions to their schools and communities. Notable is the fact that these special individuals are nominated and chosen by their peers within the National Association of Elementary School Principals.

Through her educational philosophy of cohesiveness and involvement, principal Fernandez has promoted the concept of the all-inclusive learning unit. Formal PTA meetings have been replaced by Aloha Picnics. Parents are encouraged to sit through lessons and eat lunch alongside their children.

Francine revamped Kailua's curriculum and initiated innovative efforts in such areas as science and the performing arts. She has accomplished the dream of all educators—the establishment of a committed educational family among staff, parents, students, and the community at large.

I applaud Francine Fernandez for everything she has done to enhance the quality of our children's education. Francine has brought caring, understanding, compassion, and determination to her position. She has been instrumental in bringing a deep sense of pride and achievement to everyone who has been a part of the Kailua Elementary learning experience over the past 6 years.

Mr. President, on behalf of the State of Hawaii, I ask the Senate to join me in commending Ms. Francine C. Fernandez, Hawaii's National distinguished Principal of 1991.●

AWARD FOR MELISSA POE FOR ENVIRONMENTAL WORK

● Mr. GORE. Mr. President, I am pleased to inform my colleagues that a young Tennessean has been recognized for her work in helping to promote the importance of preserving and protecting our environment. Melissa Poe of Nashville has been chosen to receive a "G.I. Joe Real American Hero" award.

Melissa, who became interested in environmental concerns several years ago after watching an episode of "Highway to Heaven" about the effects of pollution on the environment, began a club for young people called Kids for a Clean Environment (Kids FACE). The purpose of her organization is to encourage individuals to become more involved in the protection and preservation of our environment. Melissa has spoken to representatives of the Environmental Protection Agency, as well as the United Nations, about her club's goals and activities. In addition, her group plans to present next year to the U.N. Global Environmental Forum in Brazil a resolution addressing the issue of environmental destruction.

In the last few years, our society has become more concerned about the environmental problems that confront us. I am convinced that we face serious challenges, and for this reason, I introduced legislation which is designed to confront a host of environmental challenges and help prevent future damage in this area. While this is an important initiative which calls upon the Federal Government to develop a plan to promote environmental protection, the individual efforts of people in neighborhoods around the country are important. I believe Melissa has contributed greatly to this effort and commend her for her work in helping protect the natural resources we now enjoy. If we do not wish to leave future generations wondering why we allowed the destruction of our global environment, then we must act now and encourage others to follow the fine example Melissa Poe has set.●

CIVIL RIGHTS ACT OF 1991

Mr. MITCHELL. Mr. President, we are awaiting the distinguished Republican leader, or his consent to proceed to the next matter on the agenda, which is S. 1745, the Civil Rights Act of 1991. I had previously requested consent to enable the Senate to begin consideration of that bill on Tuesday, October 15, when the Senate returns to session. I have been advised that our Republican colleagues refuse to grant that consent. Therefore, we will have to make a motion to proceed to the bill on which we will have to file a cloture motion so as to enable us to proceed to the bill.

That vote, Mr. President, either by the process I just described or by unanimous consent—that will be up to our distinguished colleague—will occur at 2:30 p.m. on next Tuesday, October 15. We are just waiting now to get word on how our colleagues will prefer to proceed in that regard.

UNANIMOUS-CONSENT REQUEST—S. 1745

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 236, S. 1745, the Civil Rights Act of 1991.

Mr. HATCH. Mr. President, on behalf of the Republican leader, I have to object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I now move to proceed to Calendar No. 236, S. 1745, the Civil Rights Act of 1991, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

Mr. HATCH. Mr. President, the same objection stands on behalf of the Republican leader.

The PRESIDING OFFICER. Objection to the motion is not in order, and the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to a close debate on the motion to proceed to the consideration of S. 1745, a bill to amend the Civil Rights Act of 1964.

Paul Simon, Paul Wellstone, Joe Biden, Bob Graham, Claiborne Pell, Wendell Ford, Paul Sarbanes, Richard H. Bryan, Christopher Dodd, Bill Bradley, Joseph Lieberman, Edward M. Kennedy, Don Riegle, Al Gore, Terry Sanford, John D. Rockefeller IV.

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator may withdraw the motion.

So the motion was withdrawn.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have discussed this matter previously with the distinguished Republican leader, and so I will not announce for the information of Senators that there will be a rollcall vote at 2:30 p.m. on Tuesday, October 15, either on this cloture motion on the motion to proceed to the civil rights bill or, if for some reason that is vitiated between now and then, on my motion to instruct the Sergeant at Arms to request the presence of Senators; so that Senators can now anticipate and prepare for a vote at 2:30 p.m. on Tuesday, October 15.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. MITCHELL. Mr. President, I know that my colleagues wish to address the Senate, so I will momentarily seek consent that the Senate stand in recess following their remarks. I would like now to make a brief comment with respect to the Thomas nomination.

All Senators should be aware that the FBI report inquiring into the assertions made by Prof. Anita Hill and the response thereto by Judge Thomas and the results of other interviews, is available to all Senators. Any Senator who wishes to review that report, and in view of the gravity of the matter, both the importance of the position involved and the seriousness of the assertion, I recommend that all Senators avail themselves of that opportunity so they can be as fully informed as possible with respect to this nomination.

Mr. President, there has been a considerable amount of discussion in the past day or so about the process with respect to the nomination and the handling of the assertion by Professor Hill. I want to state at the outset that I be-

lieve the chairman of the Judiciary Committee, Senator BIDEN, to be superbly qualified by intelligence, ability, fairhandedness, to serve in that important position, and he has discharged that responsibility consistent with his past practice of fairness and what I think all will agree is exemplary leadership in this matter.

On the evening of Wednesday, September 25, just a little less than 2 weeks ago, Senator BIDEN and Senator THURMOND, the ranking Republican member of the committee, asked to see Senator DOLE, the Republican leader, and myself, the majority leader.

At that time, Senator BIDEN informed us orally of the nature of the matter, the statements made by Professor Hill and Judge Thomas' response to those statements, and indicted that Professor Hill had requested that the information be made available to members of the committee and, further, that it not be made available to the public because of her desire to retain her anonymity in the matter, although she understood and accepted the fact that the members of the committee would be apprised of her identity.

Senator BIDEN indicated to me that he intended to act in accordance with Professor Hill's wishes and in accordance with what he felt to be the most fair way to proceed, and accordingly advised that he intended to advise all of the Democratic members of the committee but not to make the information available beyond that in accordance with Professor Hill's request.

I am advised subsequently, as recently as today, that Senator BIDEN did in fact notify each of the Democratic members of the committee, and I have been under the assumption that similar action was taken with respect to the Republican members of the committee, but I do not have any knowledge of that specifically.

I know the Senator from Utah is a Republican member of the committee and perhaps he may wish to comment on it. I am not asking him to do so. That was my understanding.

So that subsequently, the matter having been handled in accordance with the request made by Professor Hill and in a manner that Senator BIDEN felt fair and appropriate, a judgment which I shared, this information has become public.

In the interim, prior to it becoming public, in the expectation and belief that the matter had been handled as requested, a unanimous-consent agreement was reached in the Senate last week pursuant to which the vote will be held tomorrow evening following 4 full days of debate.

A number of Senators have asked me today about the possibility of delaying the vote, as have a number of reporters calling with inquiries, and I have informed them that since the vote was set by unanimous consent under the rules of the Senate, it would take unanimous consent to change the vote, that is, each of the 100 Senators having agreed to the setting of the vote, each of the 100 Senators would now have to agree to any change in the setting or the timing of the vote.

It is my belief that is highly unlikely in the current circumstances that all Senators would so agree, and so the matter now rests in that circumstance. A number of Senators who have previously expressed their intention to vote for Judge Thomas have, I am advised, asked for delay in the matter. But I indicated to them, at least those who have spoken to me, that would require unanimous consent, and it is my understanding that unanimous consent would not now be forthcoming. So barring some change in the situation, I anticipate that the vote will therefore by operation of the rules occur at 6 p.m. tomorrow.

I wanted to make that explanation so there can be no misunderstanding about the manner in which this has been handled and to reaffirm my very strong and deeply held feeling of admiration for Senator BIDEN and support for the manner in which he has handled this and all other matters involving this and other nominations before that committee.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I am now going to ask unanimous consent that following remarks to the Senate by the Senator from Utah and the Senator from Nebraska, the Senate then stand in recess as under the order until 9:30 a.m. on Tuesday, October 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, therefore, I understand that Senator HATCH will be recognized to address the Senate for such time as he wishes, and then Senator EXON will be recognized to address the Senate for such time as he wishes, following which the Senate will be in recess. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I thank my colleagues for their courtesy, and I now yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination.

Mr. HATCH. Mr. President, I thank the majority leader. I certainly do not want to keep the Senate long. I wish to make a couple of further points with regard to the Thomas nomination.

I hope the majority leader will have this vote tomorrow evening. I understand if Senator BIDEN and Senator THURMOND get together and decide otherwise, that is another matter. I hope the vote will take place. I do not see what difference it is going to make. You have Ms. Hill saying one thing and Clarence Thomas saying another. I think, to be honest with you, it is time to vote and let us do it.

But, Mr. President, in the New York Times today, Phyllis Berry, who worked for Judge Thomas at the EEOC, denied that Judge Thomas had any sexual interest in Anita Hill at all. At her press conference today, Ms. Hill said that she did not know Phyllis Berry and Phyllis Berry did not know her.

Now, I have a statement of today's date from Miss Berry, who is now Phyllis Berry Myers, and here is what she says, dated October 7, 1991:

> This is in response to Anita Hill's statement at a press conference indicating that she did not know me and I did not know her. That is absolutely false. I knew her quite well in a professional context. It was part of my job to know and work with the Chairman's personal staff.
>
> I was employed at the Equal Employment Opportunity——

Keep in mind, I would interpolate here, that the allegations allegedly occurred in 1981 while Clarence Thomas was the Assistant Secretary for Education in charge of civil rights. Ms. Hill continued to work for him there and then moved over as a member of his personal staff to the EEOC where she continued to work with him for 2 more years. Nobody was going to fire her. She indicated in her remarks today that she was afraid she might not have a job.

Well, nobody could fire her. She was an attorney, graduate of Yale Law School. She knew what was going on.

Let me continue with the letter, what Miss Phyllis Berry Myers had to say in contradiction to Anita Hill:

> I was employed at the Equal Employment Opportunity Commission from June of 1982 until February 1987. I was asked by Chairman Thomas to come work with him at the Commission to do three things:
>
> (1) Assist in assessing/organizing his personal staff, scheduling, etc.
>
> (2) Assist in professionalizing the Office of Congressional Affairs (as it was called at that time).
>
> (3) Assist in reorganizing the Office of Public Affairs (as it was called at that time).
>
> Anita Hill was a member of Clarence Thomas's personal staff when I joined the Commission. J.C. Alvarez, Allyson Duncan, Bill Ng, Carlton Stewart, any of the office directors at that time and many others can attest to that fact and vouch as to what my responsibilities were as they related to his personal staff.
>
> There were staff meetings on Monday mornings. Anita Hill attended those meetings. So did I.
>
> Understanding the political complexities of policy options recommended by his personal staff was part of my responsibilities. That part of my job may not have made me

a popular person, but it certainly did not make me a person you could forget!

It is in that context that I knew Anita Hill, especially if I had to discuss her recommendations to the Chairman on a particular issue.

In December 1983, I was named Director of the Office of Congressional Affairs.

At the Commission, I was Clarence Thomas's political eyes and ears and the meant I knew a great deal about his personal life as well.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 7, 1991.

This is in response to Anita Hill's statement at a press conference indicating that she did not know me and I did not know her. That is absolutely false. I knew her quite well in a professional context. It was part of my job to know and work with the Chairman's personal staff.

I was employed at the Equal Employment Opportunity Commission from June of 1982 until February 1987. I was asked by Chairman Thomas to come work with him at the Commission to do three things:

(1) Assist in assessing/organizing his personal staff, scheduling, etc.

(2) Assist in professionalizing the Office of Congressional Affairs (as it was called at that time).

(3) Assist in reorganizing the Office of Public Affairs (as it was called at that time).

Anita Hill was a member of Clarence Thomas's personal staff when I joined the Commission. J.C. Alvarez, Allyson Duncan, Bill Ng, Carlton Stewart, any of the office directors at that time and many others can attest to that fact and vouch as to what my responsibilities were as they related to his personal staff.

There were staff meetings on Monday mornings. Anita Hill attended those meetings. So did I.

Understanding the political complexities of policy options recommended by his personal staff was part of my responsibilities. That part of my job may not have made me a popular person, but it certainly did not make me a person you could forget!

It is in that context that I knew Anita Hill, especially if I had to discuss her recommendations to the Chairman on a particular issue.

In December 1983, I was named Director of the Office of Congressional Affairs.

At the Commission, I was Clarence Thomas's political eyes and ears and the meant I knew a great deal about his personal life as well.

PHYLLIS BERRY MYERS.

Mr. HATCH. When you add that to the statement of Armstrong Williams, the managing partner of the Graham Williams Group, dated October 7—I believe Senator THURMOND read this into the RECORD, but I think I will read it into the RECORD again following up on Miss Phyllis Berry Myers' statement.

DEAR SENATOR THURMOND: As someone who worked with Judge Clarence Thomas from 1983 to 1986 I also had the opportunity to work with Ms. Anita Hill. I must tell you that during that time I was very uncomfortable with Ms. Hill. I often questioned her motives. This concern was something I expressed to Judge Thomas on more than one occasion.

Furthermore, I found her to be untrustworthy, selfish and extremely bitter following a colleague's appointment to head the Office of Legal Council at EEOC. A position on that Hill made quite clear she coveted. After she was passed over for the promotion, she was adamant in her desire to leave the agency and discussed this with me privately.

I also question her motivation when it comes to her recent allegations. Especially since Ms. Hill discussed with me her admiration for Judge Thomas' commitment to fight for minorities and women, and his fair treatment of women at the agency. I know, personally, that these are the rantings of a disgruntled employee who has reduced herself to lying.

I ask you, if this was a man she should loath for sexual harassment, then why did she maintain contact and continue to communicate with him? Why did she follow him from the Education Department to the EEOC? Why did she only have praise for him in her discussions with me? Furthermore, Judge Thomas believed this woman to be a friend and someone of great intellect and wanted only to assist her as she moved along in her career.

I am sure having had knowledge of the situation prior to this past weekend is evidence that you also question Ms. Hill's accusations and credibility. I urge the Senate Judiciary Committee to listen to these allegations with a grain of salt.

That is pretty strong language.

In closing, as I described her ten years ago to Judge Thomas, I do so now. She always had to have the final word and the last laugh. I see now that some people just never change.

I look forward to your confirming the Judge to our nation's highest court.

Mr. President, I am not here to run down Ms. Hill. I am not even here to find particular fault with Ms. Hill. I felt that she presented herself quite well today.

There were some things I could be critical of personally. For all the expressions of wanting not to have publicity and to avoid publicity, I personally felt that she looked as though she enjoyed having the publicity today.

But be that as it may, her story just does not add up. She worked with Clarence Thomas at the Department of Education where she had a career appointment. She did not have to lose that job. She was not about to lose a job. She had a permanent job there. She then, after these alleged occurrences of so-called sexual harassment, then moves to the EEOC, that overviews all of these sexual harassment charges; she moves there on the personal staff of Clarence Thomas, the Chairman of the Commission.

She saw us confirm Clarence Thomas for that job. She saw us reconfirm Clarence Thomas. She stayed there 2 years working with Clarence Thomas. Not one whimper, not one word, not one expression about sexual harassment. She saw two confirmations, both in an area where they overview sexual harassment.

Then Clarence Thomas becomes nominated to the Circuit Court of Appeals for the District of Columbia and she sees that confirmation; not one word out of her. As a matter of fact, he then gets nominated to the Supreme Court of the United States after serving almost 2 years on the circuit court of appeals; not one public word out of her through the hearings.

Then all of a sudden—I suppose because of Senator METZENBAUM's staff who were members of the Labor Committee, not the Judiciary Committee, and others, according to the FBI report, from at least one other Senator's staff—after they contacted her—she said they contacted her, as I recall. And Senator METZENBAUM said she contacted them. But after they contacted her, or she contacted them, whichever the case may be, she still did not want to be involved until finally the full committee staff discussed the matter with her after September 13.

Even then she did not want this matter to be made public. I wonder what she thought she was doing. The only way it could have been made public was when a member of that committee, in violation of the rules of the Senate, in flagrant violation, leaked the FBI report. That is what happened.

Is it not amazing that instead of leaking it after the September 3 original investigation by Labor Committee staff members who had nothing to do with the Judiciary Committee, it is leaked after everybody goes home last Friday. I had predicted—I think I did here on the floor—if I did not, I meant to—I certainly said it in a couple of interviews, that: "You watch, they are going to smear Clarence Thomas over the weekend," and that is what they did. And one of the most scurrilous smear jobs I have seen in a long time.

Frankly, why? If these things are true, then why did she not, as a graduate of Yale Law School, raise them at the Department of Education? If they are true, then why did she not, as a graduate of Yale Law School, raise it at the EEOC? If they are true, then why did she not, after she left the EEOC and no longer had to worry about her job, so to speak—she never had to worry anyway, I have to tell you that—why did not she raise them in the second confirmation hearings?

I presided over those two confirmation hearings. If they are true, why did not she raise them when Clarence Thomas was nominated and confirmed to the Circuit Court of Appeals for the District of Columbia? And if they are true, why did she not raise them to the committee? We had 100 witnesses. One more would not have made any difference. As a matter of fact, it would have been the right thing to do if that is the way things operate in her mind, 10 years after the fact.

I have to say these letters from Ms. Berry Myers and Mr. Williams will cast

grave doubt on what she has said. I also have to tell you in closing one other thing—and I do not mean to hold my colleague up, I apologize to him—but I have had regular chats with Clarence Thomas, Judge Thomas, a man I have great admiration and respect for ever since his nomination. I chatted with him again today. He said, "Senator, that just never happened. That just is not true. I would not do that." He said, "I do not know why she is doing that."

He did say that there were others whose work was preferred over hers, and that may be partially the problem here. There were others who did better analytical and more thoughtful work. But he did not know why she would do this. But he said, "You know, Senator," he said, "this is very detrimental and harmful to my family." He said, "I have never been through anything like this before." I think it is a crying shame that he has to go through it in an October surprise like an election between two cheap politicians, or at least one cheap politician, a few days before the final vote is to take place.

There are enough questions about why this had to be, why this was delayed—and why these particular approaches at this particular moment—that I think anybody has to give Clarence Thomas the benefit of the doubt.

Frankly, his reputation is an absolutely impeccable one and unimpeachable, in my opinion, having sat through all five confirmation proceedings and having presided over three of them.

I just wanted to make this clear before I left this evening. I think it is important that it be made clear there have been some reprehensible activities by the Members of the Senate or their staffers, or both, in this matter. There have been violations of the Senate rules. And they are important rules. I have to say those violations ought to be investigated.

Frankly, I am getting the opinion that some people stop at nothing to get their ideological aims fulfilled, even if it means smearing a very fine man and his family.

Mr. President, I will have more remarks tomorrow because there is even more to bring up. But I do not want to delay my colleague who has had to wait this long.

So with that, I will yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, on Friday, this Senator came on the floor of the U.S. Senate and made a talk about the process that has brought Judge Thomas to the U.S. Senate for confirmation was somewhat flawed, but in a speech I said that I had had an interview with him. I cited the reasons that I intended to support him on the Tuesday night vote. Among them was that I thought he had judicial temperament which, from my experience in appointing many judges as Governor of Nebraska, and having been involved in many confirmation processes here, has to be the key, and always has been, for making a determination. I thought he had that. I still think he has that. I cited his intelligence, his approach, his openness, all of which, to me, convinced me that he should be confirmed as a member of the Supreme Court.

Saturday evening, I received a press call at my home in Lincoln, NE, from an Omaha station wanting to know what I felt about the revelations that had just come out, and I inquired, "What revelations? Then unfolded this story.

I said at that time—and I feel the same way here on the floor of the Senate on Monday, after having just returned within the last hour or so from home—that it seemed to me at that time, when I was first told, this was something that came out of the blue very late in the process and, therefore, I did not place a great deal of credence in it at that time; but I did promise that I thought I had the responsibility to take a look to see what was going on.

Since Saturday night and this Monday night, I have received a lot of information, a great deal of conflicting information on both sides of this issue. I heard Professor Hill today on television. I thought she was not only a good witness, as I think has been referenced on the floor today, but she was very credible, in my opinion, from what she had to say.

We do not yet know the other side of the story. Unfortunately, the way things are working in politics these days, including appointments to high positions, there is a lot of intrigue and counterintrigue which goes on behind the scenes. I deplore that. I have never been a part of personal attacks or vicious, unsubstantiated charges against anyone that I have ever known in politics or outside of politics. But it seems to me that however, this bombshell got into the press, whether it was done correctly or incorrectly, is not the basic question that faces the U.S. Senate.

The question that faces the U.S. Senate, I suggest, Mr. President, is: What is the truth? I am fearful that we are not going to be able to discover the whole, and nothing but the truth, between now and this time tomorrow night when we are scheduled to vote. I was not aware of the fact, until the majority leader just made the statement, that the FBI files would be available to me. There is no way that I could or would vote to confirm Judge Thomas to the Supreme Court without personally having looked at the FBI files. I also feel that after I look at those files, I may have some other questions that I might want to talk to other people about.

Mr. President, it seems to me that, while I do not know whether anybody has suggested this on the floor of the U.S. Senate or not, as a once supporter of Judge Thomas, I am formally requesting on the floor of the Senate now that this vote be delayed from tomorrow night at 6 o'clock until sometime next week. It may be that between now and tomorrow night at 6 o'clock this one Senator could collect enough information and read enough reports to make a final determination, but I announce to all that my statement of last Friday that I intend to vote for Judge Thomas at 6 o'clock on Tuesday evening is not sure as of 7 o'clock this evening, Monday night.

I listened very carefully to my great friend and colleague from the State of Utah, and I listened to the letters that he had read. While those lend some credence to my support for the Thomas nomination, it also whets my appetite to find out a little bit more. I suggest, Mr. President, that I think it would be unwise for any Member of the U.S. Senate, regardless of which side of the aisle we are on—because it is not a political issue—it would be unconscionable, it seems to me—at least I do not know how I could explain to my citizens how I voted one way or the other, given the new information, until at least I had taken the time to study the FBI report in considerable detail and make some further inquiries.

It seems to me, Mr. President, that as unfortunate as this all is—and if it is a political trick, if Professor Hill has become the instrumentation of somebody that wants to do ill for no good reason to Judge Thomas, then that is a sad, sad case indeed. I do not know what the other people of the United States think, or thought, but at least this one Senator felt that she raised some questions and some points that simply cannot be swept up and brushed under the rug, and that we cannot drive ahead with the nomination without at least checking to see the likely authenticity of the charges and countercharges.

I wondered, after I heard Professor Hill today, what her motives could possibly have been, because if she is saying what I thought she said, she has not volunteered anything from the beginning, she has not sought even to give a statement, and she has not even certainly thought about going to the press; that all of her actions, as I understand it, had come about because she was questioned, and she thought she had a responsibility, when she was questioned by proper officials, to tell the truth, as she saw it. Maybe that is not the truth, Mr. President. But I think for the U.S. Senate to dismiss out of hand with one or two or three letters from people that feel far differently about her charges than she does, or her allegations—call them what you will—then I think we would

be rushing to judgment that would not set us in very good sights, as far as the people of the United States are concerned.

I have not made a determination as of now how I would vote on this. If the vote were 7 o'clock tonight, I would not vote to confirm, because I would not have the opportunity to make the study and judgment that I think is necessary that falls on me and my colleagues.

I suppose that this evening I could go up and read the FBI report, and then some people might say: Does that not satisfy you? I have read hundreds of FBI reports since coming to the Senate, as part of the confirmation process from a whole series of suggested nominees. Sometimes those FBI reports raise as many questions as they answer. Therefore, I suspect that even if one Senator, JIM EXON, could be convinced that there was absolutely nothing to this, that this was a smear on a great American, as I believe Judge Thomas to be, I suspect that I would have more questions, and I suspect that not all Members of the U.S. Senate are going to have an opportunity to read that report and talk to some other people before they make judgment.

Indeed, it might well be proper for the Judiciary Committee to call both Professor Hill and Judge Thomas back before the committee sometime between tomorrow, Tuesday, and a week from Tuesday, so that they could ask questions and try and ferret this out.

There may well be an objection to a unanimous-consent request for putting off this vote. I would only say that if as many Senators have questions on their minds as this Senator has right now that might be a rather hasty action by those who are attempting to push the 6 o'clock hour tomorrow evening for the vote.

I call for a delay in the vote to give all of us a chance to better inform ourselves without making any determination whatsoever, because I honestly do not know what my eventual and final decision will be.

I thank the Chair and I yield the floor.

(Earlier, the following occurred and appears at this point in the RECORD by unanimous consent.)

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Tuesday, October 8; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein; that at 10 a.m., the Senate return to executive session to resume consideration of the Thomas nomination; that on Tuesday, from 12:30 p.m. until 2:15 p.m., the Senate stand in recess in order to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, for the information of Senators, at 5:30 p.m. tomorrow, Tuesday, there will be 2 minutes of debate equally divided on the conference report on H.R. 2508, the foreign aid authorization conference report with a vote on adoption of that conference report occurring when the 2 minutes have been used.

So Senators should be aware that a rollcall vote will occur tomorrow just shortly after 5:30 p.m. on the foreign aid authorization conference report.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. By unanimous consent the Senate stands in recess until 9:30 a.m., Tuesday, October 8, 1991.

Thereupon, the Senate at 6:41 p.m., recessed until Tuesday, October 8, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 1991:

SECURITIES INVESTOR PROTECTION CORPORATION

FRANK G. ZARB, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1992. (REAPPOINTMENT)

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

JANELLE BLOCK, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1994, VICE JAMES HARVEY HARRISON, JR., RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROBERTA PETERS, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE TALBOT LELAND MACCARTHY, TERM EXPIRED.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

LORRAINE MINDY MEIKLEJOHN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1995, VICE ANITA M. MILLER, TERM EXPIRED.

PANAMA CANAL COMMISSION

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION, VICE ANDREW E. GIBSON, RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, October 7, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BONIOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 7, 1991.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all Your gifts—the gifts of faith and hope and love, the gifts of forgiveness and reconciliation, the gifts of family and friends. On this day we mourn the passing of our friend and colleague, George Russell, who for many years served faithfully in this place and whose friendship was appreciated by each one of us. We remember his family with our thoughts and with our prayers asking that Your word of comfort and Your message of everlasting life would strengthen their confidence in Your abiding love. May Your peace, O God, that passes all human understanding, be with all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia [Mr. WOLF] please come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment joint resolutions and a concurrent resolution of the House of the following titles:

H.J. Res. 189. Joint resolution designating October 8, 1991, as "National Firefighters Day";

H.J. Res. 303. Joint resolution to designate October 1991 as "Crime Prevention Month"; and

H. Con. Res. 172. Concurrent resolution providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House document.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3280. An act to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1415) "An act to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1773) entitled "An act to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2608) "An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 10, 12, 20, 22, 23, 24, 26, 28, 30, 32, 33, 34, 36, 42, 49, 51, 59, 61, 63, 69, 77, 78, 81, 83, 89, 93, 96, 105, 106, 109, 111, 112, 121, 122, 128, 135, 140, 152, 153, 155, 162, 165, 171, 173, 175, 176, 178, 179, and 180, to the above-entitled bill.

The message also announced that the Senate recedes from its amendment numbered 116, to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2622) "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 7, 10, 24, 25, 27, 28, 31, 38, 39, 40, 43, 52, 53, 55, 56, 57, 58, 59, 62, 65, 66, 67, 69, 71, 80, 81, 84, 87, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 110, 115, 118, 119, 120, 121, 122, 123, 128, 148, 151, 152, 154, and 155 to the above-entitled bill.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1415. An act to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes;

S. 1563. An act to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; and

S.J. Res. 184. Joint resolution designating the month of November 1991, as "National Accessible Housing".

The message also announced that, pursuant to Public Law 102–62, the Chair, on behalf of the President pro tempore, appoints Mr. Norman Higgins, Jr., of Maine and Mrs. S. Marie Byers of Maryland, to the National Education Commission on Time and Learning.

MAJORITY PRINTER DAVID RAMAGE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I want to make two points today. The sad announcement about George Russell, our friend who sat right back of this podium, we will miss him so much. Our prayers go with his family.

Mr. Speaker, Majority Printer David Ramage retired on September 1, after 36 years of service to the House of Representatives.

Dave is an Oklahoma native who came to Congress under the patronage of former Oklahoma Congressman Tom Steed in 1955. He worked as assistant stationery clerk for 14 years, headed the House recording studio for around a year and then was appointed majority printer in 1969 and he held that position until retirement.

Over the years, Dave and his staff were always there to help make sure things ran smoothly. His leadership and experience have been important to the day-to-day operations here in the House.

Dave has been a close friend for many years and I want to take this opportunity to wish him the best in retirement. And, I want to salute Dave for a job well done.

In the next few days, I plan to take a special order to pay tribute to Dave Ramage's long career here on Capitol Hill. I know my colleagues will join me in honoring this outstanding public servant, Dave Ramage.

JTPA BILL WILL SPUR SMALL BUSINESS JOB CREATION

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, last month I urged the House Education and Labor Committee to keep small businesses in mind as it marked up the Job Training Partnership Act Reform Amendments.

I am pleased to note that the committee has done more than that. It has included in the bill a microenterprise provision that complements an initiative I have introduced, the Small Business Economic Enhancement Opportunity Act.

The JTPA bill authorizes the Labor Department to make grants to 10 States per year for community-based microenterprise activities.

While my measure would lend money to qualified low-income entrepreneurs, the JTPA proposal would provide start-up support—such as business planning and marketing for would-be entrepreneurs.

Clearly, these microenterprise-assistance programs can work in concert, and could be key to providing out-of-work Americans with full-time employment.

Jobs created by small businesses are the only real solution to our Nation's unemployment problems. The JTPA reform amendments will help to make those new jobs a reality. I urge my colleagues to vote for the JTPA reform amendments.

Remember, it is easy to say you are all for small business, it's how you vote that counts.

CONGRATULATIONS TO THE ATLANTA BRAVES

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, America's team has won. That is right. The Atlanta Braves are the new champions of the National League Western Division, and who could deserve it more than Bobby Cox and all the Braves and their tomahawks, as we clinched the Western Division of the National League championship last Saturday.

We want to give our special thanks, however, to our friends in San Francisco, the Giants, who put the Dodgers in their proper place, which is always second.

Congratulations to everyone. We will see you at the playoffs later this week and in the World Series later on this month.

FOREIGN AID

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, we are all really saddened about the passing of George Russell, who sat right back here, who was a real gentleman and real professional. Our heart really goes out to his family. He was an outstanding individual.

To the gentleman from Georgia [Mr. DARDEN] I would say, I think the Braves are going to go all the way. It is only because in the 1950's it was the Milwaukee Braves and they went all the way. So we wish them the best.

I wish I would not have to say this, but it is beyond belief, with the firestorm swirling around Congress, the Democrats or at least some Democrats are thumbing their noses at the American taxpayer and bringing up a $25 billion foreign aid bill.

I cannot believe this, but it is on the docket. Another $25 billion to be shoveled overseas while at home we cannot even take care of our notch babies.

The notch issue, this foreign aid bill will cost 10 times what it would cost to take care of our seniors and the notch issue. There is $8.8 billion in the aid pipeline, $8.8 billion for 10 years.

This House voted to take the $2 billion fat out of it by a vote of 216 to 203. Do my colleagues know what the conferees did? They did not do a thing. They left it right in there.

In fact, people appointed by this House on the conference committee spoke out against the amendment.

□ 1210

We cannot accept behavior like that.

When that bill comes up on Wednesday, I am asking every Member of this House to stand up and to vote.

I was on CNN for an hour-long program talking about just this foreign aid, and Members should see the letters that I received. I got over 500 letters from all over the country. People are outraged.

Now is the time to stop this waste, to vote for America and to kill the foreign aid bill.

GRAVE NEW CHARGES AGAINST SUPREME COURT NOMINEE CLARENCE THOMAS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, grave new charges are arising against Supreme Court nominee Clarence Thomas. I am calling today upon Senator GEORGE MITCHELL, as the senior woman in the House, to please delay the confirmation hearings until these charges have either been proven wrong, or if they are proven correct to reopen the whole thing and reconsider.

There is a swirling debate about term limits in this Congress for Members of Congress, but do not forget there are no term limits when it comes to Supreme Court nominees. There is not even a term. They are there for life. So a little more time to find out whether these very grave charges are true or not certainly I think is understandable at this point.

So please, Senator MITCHELL, delay the confirmation vote until we find out whether this is true or false.

PROPOSED HEALTH CARE FINANCING ADMINISTRATION REGULATIONS ON MEDICAID FUNDING SHOULD BE WITHDRAWN OR REWRITTEN

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, apocalyptic talk is not exactly unknown on the precinct of Capitol Hill. Sometimes that sort of talk is used for effect, and sometimes it is for real. I think in the case of the Health Care Financing Administration's proposed regulations, proposed to be effective on January 1, 1992 regarding provider taxes and whether or not they would be matched in State Medicaid programs, I think apocalyptic talk is very much warranted.

Our Governor, Wallace Wilkinson of the State of Kentucky, was here on Capitol Hill last week and addressed the distinguished panel headed by the gentleman from California, Mr. HENRY WAXMAN, on the whole question of provider taxes and Medicaid programs. Governor Wilkinson outlined the fact that there are 675,000 Kentuckians on Medicaid, and were the Health Care Financing Administration's regulations to become effective, then tens of thousands of these people would not get their medications, would not get their medical treatments.

So Mr. Speaker, let me say I hope that the Health Care Financing Administration will withdraw those regulations or rewrite them severely so that States like Kentucky, which acted in response to the Federal mandate to

provide health care services, are not left holding the bag nor should the people of Kentucky be left without medical services.

CONTINUING SOBERING NEWS ON THE RECESSION

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, there was more sobering news last week about the impact of the recession. The unemployment rate, at least on paper, remained stagnant, but we know that literally hundreds of thousands of people have exhausted their unemployment compensation extension benefits.

The gross national product dropped for the third consecutive quarter. The median income for a U.S. household declined for the first time since 1982. Median income from middle-income householders, for U.S. householders declined for the first time in about 10 years. Poverty rates are up.

Auto sales are down. We have the worst decade in the automobile industry in a long, long time. The worst year in the last decade I should say. Layoffs and furloughs continue throughout the country.

These statistics merely confirm what the American people already know. The tough times are not over, no matter what the President says. And he may be able to ignore the consequences of this recession, but American working families cannot. Each month they have to make a mortgage payment. Each week they have to put food on the table. Each month they have to put a little aside, some savings for their children's education and for the future of their children. They cannot afford the White House's false optimism.

While the American people are struggling from month to month, what is the President saying? First he promised to veto a bill to help the unemployed. Then he pulled the oldest hoax in his bag of tricks, a capital gains tax cut for the wealthiest Americans. That is what is going to move this economy, that is the engine that he says is going to get it going. Deny those people who through no fault of their own, hard working middle-income people, put out of work by this recession, deny them a chance to provide for their families, to provide for their future, for their kids. Yet on the other hand, almost in the same breath, a tax break for the wealthiest 5 percent of Americans.

Mr. Speaker, when will the White House realize that the rich have already gotten their windfall? They have been testing the Republican tax breaks for the rich approach now for the last 10 years, and look where it has gotten us. The worst economic growth, the worst economic growth since the Second World War; 9,400 fewer jobs each month during the first 3 years of this administration.

We need, Mr. Speaker, to try a different approach. Instead of giving more tax breaks to the wealthy, and waiting for the benefits somehow to trickle down, which they do not ever seem to do to the middle class, we need to put money back in the pockets of middle-income families and watch the benefits bubble up throughout the economy.

Middle-class families are the backbone of our economy. They will lead us out of this recession if we will only give these people a little relief.

Mr. Speaker, in my home State of Michigan I have seen how middle-class tax cuts can energize a community. Along with my colleague from Michigan, Mr. HERTEL, and others, I am leading an effort to give the average homeowner some immediate relief, an effort that will also stimulate the economy and will save jobs. Every family in Michigan knows that property taxes are out of control, and in some cases, like Macomb County where I live, tax assessments have nearly doubled in the last few years, and in some communities in the county they have tripled and quadrupled. These taxes have had devastating impacts on middle-class hardworking people who thought they had made careful plans for their financial future. But with these whopping tax bills on one side, and then the impact of the recession, not only the automobile industry, but it has rippled throughout the economy in Michigan, they have a double dose, and they are strained to their limit. They are squeezed and they cannot make ends meet. Money that is intended for a kid's education has to be spent now on the mortgage. Small savings accounts for a new car or a vacation must go to taking care of spiraling health care costs.

This middle-class squeeze makes the recession even worse. When the consumers cannot buy, when they cannot pay for things they need, business dries up, jobs are lost.

What is the answer?

□ 1220

In Michigan, I think we have found part of it, a real tax break targeted specifically on our middle-income families.

I am also the cochair of a statewide petition to try to give the Michigan homeowners a break on their property taxes. Under our plan which is steadily gaining strength, the typical homeowner will see an immediate up-front tax break of $500 to $600 per year; that is $500 that will not only help meet the needs of struggling families but will be pumped back into the Michigan economy. It will be pumped back at the rate annually in the State of about $800 million to help our families, to help small business to create new jobs and to keep old ones and to create a dynamic situation to get us moving again.

Mr. Speaker, the working families of Michigan have put down roots in our communities. They send their kids to local schools. They patronize local businesses. They make long-term investments in their homes. These are the people who are the real providers of our communities, and these are the people who need our help.

In Michigan, they are going to get it, because we are going to take this petition drive door to door to every corner of the State. We have already gathered close to 175,000 signatures, and we are going to make the required amount by the December date that we have set for ourselves.

The result will be economic growth, job creation, a boost to small business, and most important of all, a little break, and I wish it could be more, but a break for middle-income Americans who have borne the brunt of this devastating recession.

Mr. Speaker, Michigan is not alone. Across this country middle-income families find themselves in the same bind, squeezed by too many taxes and by a deep and prolonged recession.

If the middle-class tax relief will work in Michigan, it is going to work in Washington, too. All we need to do is listen to the message of our constituents, the message that they are sending us. They need our help. They feel squeezed.

Mr. Speaker, we in Congress are going to give them the tax relief they need, and this country is going to get moving again.

I thank my colleagues for their indulgence.

COMMENDING THE ADVISORY COMMITTEE ON NUCLEAR FACILITY SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, in November, the charter for the Advisory Committee on Nuclear Facility Safety will expire. I want to commend the members and staff of this committee for the extraordinary service to the Nation they have rendered.

For the past 4 years, the members of the Advisory Committee have worked to improve the safety of operations in the Nation's nuclear weapons complex, which is run by the Department of Energy. This has not been an easy job. The weapons complex, after all, had been sheltered from outside safety reviews since its creation, and there has been tremendous resistance to doing things in new ways.

Fortunately, the committee members have been very conscientious and dogged in insisting that operations

should be brought up to date, that more modern safety criteria should be applied, and that worker and public exposure to radiation and chemical hazards should be reduced.

I want to single out the chairman of the committee, Dr. John Ahearne, for particular commendation. Dr. Ahearne has provided excellent leadership to the committee, and has been exemplary in his dedication to this work. The committee has accomplished a great deal during Dr. Ahearne's tenure, largely due to his technical expertise, tenacity, and his critical, independent spirit.

During the past few years, the committee has provided valuable reviews of safety conditions at the Rocky Flats plant in Colorado. These reviews have led to real safety improvements there. They have also given the public the reassurance that someone outside the DOE was overseeing operations at the plant.

As a recent example, the committee last week provided an excellent assessment of conditions at the Rocky Flats plant. The committee ferreted out several fundamental problems relating to worker safety, waste management, and the safe conduct of operations, and also made clear certain basic flaws in a recent operational readiness review of building 559 at the plant. I hope and expect that DOE will incorporate these findings into their plans at the plant, as they have adopted past recommendations by the committee, and that public and worker safety will benefit as a result.

The Nation owes a great deal to these dedicated public servants, and I want to salute them for their important efforts.

WELLING W. FRUEHAUF, 1991 ROBERT MORRIS COLLEGE HERITAGE AWARD RECIPIENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I am pleased today to salute Welling W. Fruehauf, the 1991 recipient of the Robert Morris College Heritage Award.

Welling W. Fruehauf has had a long and distinguished career since his graduation in 1963 from Robert Morris College, in Pittsburgh, PA. After completing his academic training at Robert Morris College, he became a senior accountant with the firm of Arnold Kenzleiter & Levine, which later merged into J.K. Lasser & Co. From 1968 to 1971, he served as the administrative manager of J.K. Lasser & Co. In 1971, he founded the firm of W.W. Fruehauf & Co., which today is well known in Pennsylvania and elsewhere as the firm of Fruehauf, Kroll & Co., P.C.

As a certified public accountant, Welling Fruehauf has been a leader in promoting professionalism among public accountants. During both 1989 and 1990, he served as chairman of the Pennsylvania Board of Accountancy, and he has served as a member of the board since 1985. He also serves as vice president and director of the National Association of State Boards of Accountancy, and the chairman of the National Registry of CPE Sponsors of the National Association of State Boards of Accountancy. Also, he is a member of the American Institute of certified Public Accountants in Pennsylvania, Ohio, and the District of Columbia, as well as a member of the Allegheny Tax Society.

At a time when tax law has grown more complex and has required increased specialization among accountants, Welling Fruehauf has been active in guiding other accountants through the intricacies of the Internal Revenue Code. He has served as an instructor for the American Institute of Certified Public Accountants for valuation of a closely held business and professional practice, as well as workshops for corporate tax and individual tax.

On numerous occasions, Welling Fruehauf has shared his understanding of the code with his colleagues as a speaker at various AICPA national tax conferences. In addition, he has served as an intructor for professional development programs for the State Societies of Pennsylvania, Maryland, North Carolina, New York, Florida, Massachusetts, Minnesota, and Virginia. With his vast experience, it is not surprising that he was chosen to serve as a member of the first auditing and accounting delegation to the People's Republic of China in 1986.

Mr. Speaker, it is clear that an excellent choice was made in naming Welling W. Fruehauf the 1991 recipient of the Robert Morris College Heritage Award. I know that Welling Fruehauf's family is proud of him. As a fellow alumnus of Robert Morris College, I congratulate Welling Fruehauf and wish him continued success.

INTRODUCTION OF LEGISLATION TO REQUIRE MEMBERS OF CONGRESS AND CANDIDATES FOR CONGRESS TO MAKE FULL FINANCIAL DISCLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 60 minutes.

Mr. BACCHUS. Mr. Speaker, recently I released a statement that I had not bounced any checks at the House bank. At the time I believed that statement was true.

This past weekend I discovered it was not. In reviewing our most recent canceled checks at home over the weekend, my wife, Rebecca, and I concluded that an unfortunate subtraction error in our personal checkbook in July led to problems with those checks presented to the House bank later in the summer.

To be precise, the error led to problems with three checks. One check was paid by the House bank in July even though there were insufficient funds in my account at the time. Two other checks were held briefly by the House bank in August and paid when sufficient funds were deposited into the account. Altogether, the shortfalls in the three checks that presented problems totaled $155.93.

With this statement, I am correcting the record at the earliest possible moment. I am also releasing to full media and public scrutiny all records of my relatively few transactions with the House bank in the few months in which I have been privileged to serve in the Congress including all deposit records, all monthly bank statements, and all canceled checks.

My wife and I are willing also to release and explain any other records we may have of any or our banking transactions. I claim no right of privacy where my personal finances are concerned.

What Rebecca and I discovered this past weekend probably would not have become public for a long time, if at all, had we not chosen to make it so.

I have been a Member of Congress only a few months, and the transactions in question did not occur during the period that has been audited or is now being audited by the General Accounting Office. However, I hold myself to a high ethical standard.

That is why I have, as a candidate and as a Member of Congress, made personal financial disclosure far beyond the requirements of a woeful and feebly inadequate Federal law.

For each of the past 3 years I have released my income tax returns and detailed statements of my net worth down to the last penny for all to see. I have introduced proposed legislation that would require all candidates for Congress and all Members of Congress to do likewise, and especially with all the concern that the controversy over the House bank has generated. Rebecca and I think it imperative to make full disclosure of all the details of our use of the House bank.

To begin, it is necessary to understand how Rebecca and I arrange our personal finances. For all of the nearly 15 years we have been married, Rebecca has handled all of our bank and credit accounts, kept all of our records, calculated all of our balances, reviewed all of our bank statements, written the vast majority of our checks, and paid all of our bills.

□ 1230

The buck stops here with me, and I accept full responsibility for all our financial dealings. Yet the truth is, I am not much involved on a daily basis in my own finances. We make major financial decisions together, but she is in charge of all the daily details.

I get cash when I need it from Rebecca and from ATM's. I write occasional checks. I presign checks for her to use later, as I have done with the House bank. I use credit cards. I consult with Rebecca beforehand and report to her afterward. Every year I

have to wait until just before Christmas to buy her Christmas presents so she will not see the transaction on the credit card bill until she receives the present.

Now that I spend much of my time in Washington this arrangement is further complicated. I have even less time to devote to the details of my personal finances. Likewise, Rebecca and I have even less time to talk about them. She and I often are reduced to leaving messages for each other about these and other family matters with my executive assistant, Liz DeMato, who does her best to help us communicate.

I travel back and forth at least weekly to and from Washington and the 11th Congressional District in Florida. When I am in the district, I am rarely at home. For her part, Rebecca, like most people, must fit balancing the checkbook into a very demanding daily routine. In her case, the routine includes our 11-year-old son, Joey, and our 4-month-old daughter, Jamey.

All this may help explain what happened in July. On July 1, the transaction register Rebecca keeps for the checking account in my name with the House Bank showed a balance of $6,190.50. She wrote a check that same date to Sun Trust Mortgage in the amount of $988.08 for our monthly mortgage payment. Perhaps she was hurried. Perhaps Jamey, then just a few weeks old, began crying. Whatever the reason, Rebecca apparently mistook a "2" for a "9" when she entered the result of her subtraction in the check register. She listed the remaining balance as $5,902.42, instead of $5,202.42, a subtraction error totaling $700. This unfortunate and inadvertent subtraction error is the source of all the inconsistencies, such as they are, that she and I discovered this weekend in our transactions with the House Bank.

My son, Joey, spent 2 weeks with me in Washington in July. For the first time since I assumed office in January, I did not return to the district to work through the weekend. This was an eagerly awaited time that for Joey and me and also a much needed breathing spell for Rebecca, who was still nursing Jamey at home.

I was running short of cash from the expenses of Joey's visit and needed more money to pay for planned expeditions to the National Zoo and to an Orioles game in Baltimore at Memorial Stadium that coming weekend. Liz suggested I go over to the House Bank and write a check for cash. I had never done this before, but saw no reason why I should not. I called Rebecca and asked her if we had enough money in the account in the House Bank to cover a $200 check. She looked at her check register and replied, "No problem. We have about $743." She knew nothing then of the $700 subtraction error. So I went over to the House Bank, presented the check, and they gave me $200. Joey and I went on to the zoo and to the baseball game. The Orioles lost.

I did not ask for my balance because Rebecca had already assured me that we had more than enough money in the account to cover the check. The teller said nothing to me about an overdraft or insufficient funds; when in fact our line-by-line analysis this past weekend of the monthly statement for July, compared to our canceled checks, indicates that there was $129.87 in the account at the time, which means that this withdrawal created an overdraft of $70.13.

I knew nothing then of any special privileges for House Members at the House Bank. I did not seek any special privileges. I do not favor any special privileges. I am filled with a frustration beyond words that I was not told at the time by the bank teller that there was a problem with this check. Had I been told then, Rebecca and I would doubtless have discovered the subtracting error then and none of this would be occurring now. Yet we have never been told of any problem with this check by the House bank, and there is no way of seeing the problem or any hint of the problem from the monthly statement alone that we received.

It is perhaps worth noting, too, that if the House bank had formal overdraft protection, as many banks do, I would surely have purchased it, and likewise this problem would never have occurred.

On August 1, my paycheck was deposited automatically into my account in the House bank as usual. I never see it. I have never seen my paycheck. Still unaware of the $700 subtracting error, Rebecca wrote a number of household expense checks on the account. These checks totaled several thousand dollars. Because of the pay deposit, these checks did not bounce. Then Rebecca received the monthly statement from the House bank detailing the July transactions. The statement showed absolutely nothing to indicate that I had bounced a check on July 18; there was no indication of that at all. However, the statement did show $7,436.21 on deposit on August 1. In contrast, Rebecca's check register showed $8,050.11 on deposit at that time. This was a discrepancy of slightly more than $600. In fact, $613.90. For the first time, Rebecca suspected that something was wrong. She reviewed her check register and discovered the $700 subtraction error.

She called the House bank immediately, told them of her dilemma, and asked them what to do to correct it. The person she spoke to at the House bank told her nothing about a bounced check on July 18. Instead, the person merely told her that discrepancies in balance amounts occurred often, indicated that we had about $1,000 in the account at the time, inasmuch as some of the checks Rebecca had written had not yet been presented for payment, and advised Rebecca simply to mail a check made out to me for deposit only to cover the discrepancy. Rebecca was told that it was not necessary at all to send the check by overnight mail. She was also told that a notation would be made at the bank that she was sending the needed funds. Rebecca's check register showed a balance of $181.03 at the time. Evidently not realizing that this balance was irrelevant mathematically to the subtraction error, she decided it was only necessary to send $600 instead of $700 and mailed a $600 check to the House bank on August 8. This $600 check was received by the bank and deposited into my account on August 13. If Rebecca mentioned any of this to me at the time, I do not recall it, neither does she.

Unfortunately, a $100 check Rebecca had written on August 5 to pay D&J Paramount for our lawn care at home was received by the House bank on August 12, 1 day before the $600 check arrived from Rebecca. Our line-by-line analysis this past weekend of the monthly statement for August, compared to our canceled checks, indicates that there was $74.60 in the account at the time, because the $600 check had not yet arrived. Thus, there was shortfall of $25.40. Without notifying us, without giving us any indication at all that there was any problem, the House bank held the check for 1 day and then paid it on August 13 once the $600 check was received. We have never been told of any problems with this second check, and there is no way of seeing the problem from the monthly statement alone.

Yet even after the $600 check was received, a $100 discrepancy remained, left over from Rebecca's original subtraction error on July 1. This caused a problem with a third and final check. On August 26, Rebecca's check register showed a balance of $589.60. She wrote a check for $550 to move money for living expenses into our local bank account. This check was received by the House bank on August 28. Our line-by-line analysis this past weekend of the monthly statement for August, compared to our canceled checks, indicates that there was $489.60 in the account at the time.

□ 1240

This made for a shortfall of this third check of $60.40. Once again, without notifying us, without giving us any indication at all that there was a problem, the House bank held the check over the Labor Day weekend and paid it on September 3, after my monthly paycheck was deposited automatically.

We have never been told of any problem with this third check, and there is no way of seeing the problem from the monthly statement alone.

I recall knowing nothing of any of this at the time. I have remained busy this year, working for the people of the 11th Congressional District.

Rebecca says she apparently saw no reason to mention the subtraction error to me because she thought she had corrected it. Neither of us knew there were any problems about the checks presented on July 18, August 12, and August 28 because the House bank did not tell us anything at all about those problems; nor was there anything on our monthly statements for July or August that in any way indicated there had been any problems with any checks.

For this reason, when the news stories first appeared about the shortcomings of the House bank and I asked Rebecca if we had bounced any checks; without hesitation she told me no. She mentioned a subtraction error to me then for what I recall to be the first time but said she had corrected it by making an additional deposit before there were any problems with any checks. And to be doubly certain, she also doublechecked all relevant bank statements we had received and saw nothing to indicate a negative balance at any point along the way.

On this assurance, I have released my public statement that I had not bounced any checks. It was not until last Friday, when Rebecca read of Speaker FOLEY'S discovery that a check of his had been held 1 day without his knowledge before being paid, that Rebecca began to question for the first time the assurance that she had given me.

After she told me of her doubts, I called the Sergeant at Arms office to find out if there was any way to identify problem checks. I was told the checks that had been so held could be identified solely by a red stamp of the receipt date and a blue stamp of the payment date on the face of the check.

I was told that only problem checks were stamped in that way.

So over the weekend Rebecca and I reviewed all our canceled checks, check by check. We found red and blue stamp dates on the three checks that I have discussed. These checks are stamped only with the dates, red and blue.

There is nothing at all on the checks to indicate they were held for insufficient funds. They are not stamped "held for insufficient funds"; only the dates are stamped.

And again there is nothing in our monthly statements that reveals any hint of negative balances.

The Sergeant at Arms office told me Friday that they are so overwhelmed with requests for information that there is no way they can tell me now whether any of our checks have presented a problem. Even now I have not been told officially by the Sergeant at Arms that there are any problems with any of these checks. Rebecca and I know of those instances only because we have pursued this matter ourselves. And I have told the Sergeant at Arms that I am not entitled to the letter from him that I previously requested.

My son, Joey, is attending a new school this year. During his initial period of adjustment, Joey, a fifth grader, forgot to do several small homework assignments. The teacher made him write a note to Rebecca and me explaining his forgetfulness. She then gave him a choice: He could take the note home to show his parents, or he could simply forget the note and try harder in the future to remember his homework.

Mr. Speaker, he chose to take the note home. Rebecca says that when Joey appeared at the front door after the school bus dropped him off, his first words were, "Mrs. Thompson and I had a talk. Everything will be all right."

And then he handed her the note. Mr. Speaker, I have never been prouder of my son. These are the values that I have taught him. These are the values I live by. I believe fervently that a public office is a public trust. I try to serve accordingly.

I see nothing in any of my actions involving the House bank that in any way violates the public trust. I believe that any fair consideration of my actions will lead to the inescapable conclusion that I have done absolutely nothing wrong. But I do not believe things would ever again be completely all right in my public service if I did not tell my constituents what Rebecca and I discovered over the weekend. I regret my initial statement that I had not bounced any checks. Yet that statement was made in the belief that it was true, and I still believe it to be true had Rebecca and I not decided, out of a sense of duty and obligation, to delve more deeply than many others have into the practices of the House bank as they have affected us. My guess is that many other Members of the House will be making similar unhappy discoveries in the coming weeks.

I am a victim of a very common and very human mistake, an innocent and inadvertent subtraction error made in my wife's checkbook. I am a victim as well of the House bank that has perpetuated a system of special privilege I did not create, did not desire, and did not even know existed.

I am glad I voted last week for a resolution that will abolish the House bank. I look forward to the ethics investigation that will exonerate innocent victims such as me and will end the rule of special privilege.

I am today tendering to the House bank $55 in cash, $15 for each of the three inconsistent checks, and $10 for stopping payment on a lost check that Rebecca reported to the House bank in August.

I am told that these are the prevailing penalty fees at the Congressional Credit Union.

Rebecca and I both are prepared to answer any questions that anyone may have about these payments or about any of our transactions with the House bank or any other banks.

Certainly these circumstances underscore the need for the kind of full financial disclosure that I have already made and that I have proposed in legislation for all congressional candidates and all Members of Congress. That proposed legislation is pending before this Congress. If the people know what we own, what we owe, what we make and how we make it, they are less likely to overreact when one of us makes a subtraction error in our checkbook.

It was a long, long weekend for Rebecca and me. It would have been much easier to pretend that we had not discovered these inconsistencies. In all likelihood, no one else would ever have known. But we would have known. And in telling everyone all I know today, I am doing my best to be the kind of Congressman I promised to be.

I know my constituents, they know me. As Joey would say, "Everything will be all right."

□ 1250

CONFERENCE REPORT ON H.R. 2942

Mr. LEHMAN of Florida submitted the following conference report and statement on the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes:

CONFERENCE REPORT (H. REPT. 102–243)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2942) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 18, 20, 26, 27, 30, 36, 40, 43, 63, 65, 74, 76, 77, 79, 90, 94, 95, 96, 97, 98, 100, 101, 102, 107, 108, 109, 118, 119, 122, 126, 127, 129, 130, 131, 132, 137, 151, 155, and 162.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 12, 19, 37, 41, 42, 66, 80, 89, 106, 110, 111, 117, and 123, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$7,000,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,300,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,275,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$88,000,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$2,320,272,000;* and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$390,000,000;* and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$144,150,000;* and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$60,350,000;* and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,750,000;* and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$102,750,000;* and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,000,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$11,100,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum proposed by said amendment insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$29,150,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,360,000,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$218,135,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$419,000,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $206,800,000; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossing demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $12,005,000, of which $8,003,333 shall be derived from the Highway Trust Fund.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $16,800,000,000; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: $47,600,000; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $65,000,000; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$19,800,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$19,800,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$16,350,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$1,800,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$7,200,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$6,300,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$3,600,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$5,400,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the first sum named by said amendment insert: *$9,630,000*.

In lieu of the second sum named by said amendment insert: *$900,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$8,100,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$1,800,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$44,172,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$118,000,000*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$16,442,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$11,500,000*; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,706,000*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$205,000,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$506,000,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 75 per centum of the short-term avoidable costs of operating such service in the third year of operation*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$13,600,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,520,000,000*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$2,940,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for training expenses*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,676,000*; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$509,500,000*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and inserted, insert: *332*; and the Senate agree to the same.

Amendment numbered 136:

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and inserted, insert: *333*; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the Title "IV", insert: *V*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 10, 24, 28, 29, 31, 32, 64, 67, 68, 69, 70, 71, 72, 73, 84, 85,

86, 92, 104, 112, 113, 114, 115, 116, 125, 128, 133, 134, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, 156, 157, 158, 159, 160, and 161.

WILLIAM LEHMAN,
BOB CARR,
RICHARD J. DURBIN,
MARTIN OLAV SABO,
DAVID E. PRICE,
WILLIAM H. NATCHER,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
FRANK R. WOLF,
TOM DELAY,
JOSEPH M. MCDADE,
Managers on the Part of the House.

FRANK R. LAUTENBERG,
ROBERT C. BYRD,
TOM HARKIN,
JIM SASSER,
B.A. MIKULSKI,
ALFONSE M. D'AMATO,
ROBERT KASTEN,
PETE V. DOMENICI,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch wishes cannot substitute for Congress' own statements as to the best evidence of Congressional intentions—that is, the official reports of the Congress. Report language included by the House that is not changed by the report of the Senate, and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 1992 and any year thereafter, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriation Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, Facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the house and Senate Committees on Appropriations as modified by subsequent appropriation Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognized that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustments, if required, to be accomplished only through the normal reprogramming process.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

OFFICE OF THE GENERAL COUNSEL

Amendment No. 1: Appropriates $7,000,000 for the Office of the General Counsel instead of $6,904,000 as proposed by the House and $7,204,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

Amendment No. 2: Appropriates $2,320,000 for the Office of the Assistant Secretary for Governmental Affairs as proposed by the House instead of $2,468,000 as proposed by the Senate.

OFFICE OF INTELLIGENCE AND SECURITY

Amendment No. 3: Appropriates $1,300,000 for the Office of Intelligence and Security instead of $1,200,000 as proposed by the House and $1,381,000 as proposed by the Senate.

OFFICE OF DRUG ENFORCEMENT AND PROGRAM COMPLIANCE

Amendment No. 4: Deletes appropriation of $706,000 for the Office of Drug Enforcement and Program Compliance proposed by the Senate. The House bill contained no similar appropriation.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

Amendment No. 5: Appropriates $4,275,000 for Office of Commercial Space Transportation, Operations and Research instead of $4,245,000 as proposed by the House and $4,300,000 as proposed by the Senate.

WORKING CAPITAL FUND

Amendment No. 6: Limits obligations to $88,000,000 instead of $85,509,000 as proposed by the House and $98,472,000 as proposed by the Senate.

The conference agreement includes all of the reductions proposed by the House except for the reduction in transportation computer activities.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: Provided further, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of inititiation of the increased level of service*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

COAST GUARD

OPERATING EXPENSES

Amendment No. 8: Appropriates $2,320,272,000 instead of $2,483,800,000 as proposed by the House and $2,222,000,000 as proposed by the Senate.

The conference agreement includes the following program changes to the House bill:

Decommission seagoing buoy tenders	-$1,626,000
Slip Operations—FRAM	-1,100,000
Slip operations—MMA	-550,000
FRAM recrewing	-1,600,000
Sea-based aerostat surplus	-7,980,000
General detail—decommissioned units	-262,000
Termination of one-time costs	-240,000
Land-based aerostats (transferred to DOD)	-650,000
Sea-based aerostats (transferred to DOD)	-21,200,000
Overseas loran-C (financed by DOD)	-10,000,000
E-2C aircraft (transferred to DOD)	-13,200,000
Defense readiness program costs (financed by DOD)	-125,100,000
Defense Logistics Agency (stock price increases)	+14,400,000
Health care costs	+4,000,000
Marine inspection program	+1,425,000
HH-60J operations and maintenance follow-on	+155,000

Amendment No. 9: Provides that $31,876,000 shall be derived from the oil spill liability trust fund as proposed by the Senate instead of $30,379,000 as proposed by the House.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of land-based and sea-based aerostationary balloons, or E2C aircraft*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Amendment No. 11: Appropriates $390,000,000 for Acquisition, Construction, and Improvements instead of $365,031,000 as proposed by the House and $407,470,000 as proposed by the Senate.

Amendment No. 12: Provides that $33,822,000 shall be derived from the oil spill liability trust fund as proposed by the Senate instead of $26,377,000 as proposed by the House.

Amendment No. 13: Provides $144,150,000 to acquire, repair, renovate or improve vessels, small boats and related equipment instead of $132,700,000 as proposed by the House and $152,250,000 as proposed by the Senate.

Amendment No. 14: Provides $60,350,000 to acquire new aircraft and increase aviation capability instead of $86,950,000 as proposed by the House and $58,900,000 as proposed by the Senate.

Amendment No. 15: Provides $48,750,000 for other equipment instead of $50,331,000 as proposed by the House and $47,025,000 as proposed by the Senate.

Amendment No. 16: Provides $102,750,000 for shore facilities and aids to navigation facilities instead of $62,550,000 as proposed by the House and $110,225,000 as proposed by the Senate.

Amendment No. 17: Provides $34,000,000 for personnel compensation and benefits and related costs instead of $32,500,000 as proposed by the House and $39,070,000 as proposed by the Senate.

Amendment No. 18: Provides a personnel ceiling of 621 full time equivalent staff years as proposed by the House instead of 691 as proposed by the Senate.

Amendment No. 19: Deletes a provision proposed by the House which would have required that of the 35 new staff years provided in this appropriation, at least 25 were to be filled by civilian personnel. The Senate bill contained no similar provision.

The conference agreement includes the following adjustments to the President's budget request:

Vessels:	
WLB replacement	−$2,300,000
Motor lifeboat replacement	−250,000
Polar icebreaker	−3,700,000
Shipboard command and control	−1,800,000
378-foot cutter weapon systems modernization	−9,600,000
Mackinaw renovation	+1,000,000
Heritage patrol boat prototype slippage	−3,300,000
Aircraft:	
OPBAT helicopters	+4,500,000
HH–65 provisioning	−2,400,000
Aircraft packup kits	−2,100,000
Long range command and control aircraft upgrade	−2,000,000
Night vision goggles	−2,200,000
RG–8 improvements	+450,000
Other Equipment:	
Vessel identification system	−2,600,000
Defense logistics modernization	−1,700,000
National strike force equipment	+4,000,000
Buoy replenishment	−2,000,000
VTS improvements	+2,250,000
Shore Facilities/Aids to Navigation Facilities:	
Minor AC&I shore construction	−4,000,000
Survey and design—shore facilities	−950,000
Intelligence coordination center relocation	−1,900,000
Coast Guard Yard portal crane	+1,850,000
Public family housing	−1,250,000
(Fiscal year 1991 reprogramming)	(+1,250,000)
Cape May, NJ training facility	+5,000,000
Newport, OR aircraft hanger	+2,500,000
Montauk, NY erosion control	+625,000
Maryland lighthouse surveys	+200,000
Prior year slippage	−4,375,000
(Vessel support, Key West, FL)	(−1,200,000)
(Station Lake Worth Inlet, FL)	(−3,175,000)
Personnel, Compensation and Benefits and Related Costs:	
Personnel and related	−6,928,000

OPBAT medium range helicopter program.—The conferees agree to provide an additional $4,500,000 to the budget request of $34,000,000 for this program. It is the conferees' understanding that the $38,500,000 provided, together with projected savings from the recently negotiated contract, is sufficient to acquire a third airframe, without associated spares, in fiscal year 1992. In addition, the government furnished equipment (GFE) normally provided in the budget will be taken from spares in the current inventory. All of these aircraft will be assigned to the Clearwater Coast Guard Air Station and be utilized for the OPBAT drug interdiction mission.

VC–11 replacement aircraft.—The conferees agree to provide no funds for this program as proposed by the Senate instead of $20,000,000 as proposed by the House. However, the conferees recognize the need to replace this aircraft at some time in the future. Should the Department determine that such an expenditure is desirable during fiscal year 1992, the Committees on Appropriations will entertain a reprogramming request, but only if such funds are derived from project savings or contract underruns that will not be necessary to recoup at a later time. Should that reprogramming request be made, it is expected to fully address the tradeoffs in cost and mission performance among various replacement alternatives, including lease of a new or used aircraft, lease with purchase option, acquisition of used aircraft, and acquisition of new aircraft. The conferees further agree that the House directives concerning this program are in effect should funds for acquisition be requested.

Public family housing.—The conferees agree to provide the budget request of $30,600,000 for this program, including $1,250,000 to be reprogrammed from fiscal year 1991 funds as recommended by the Senate.

Survey and design-shore facilities.—The conferees do not agree with House direction earmarking $200,000 of funds in this program for underwater surveys of lighthouses in the State of Maryland. Instead, $200,000 is provided as a separate budget item.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Amendment No. 20: Appropriates $21,500,000 as proposed by the House instead of $25,100,000 as proposed by the Senate.

ALTERATION OF BRIDGES

Amendment No. 21: Appropriates $11,100,000 instead of $11,000,000 as proposed by the House of $11,200,000 as proposed by the Senate.

The conference agreement includes the following amounts:

E. Pascagoula River, Pascagoula, MS, CSX-L&N Railroad	$6,200,000
Mississippi River, Burlington, IA, Burlington-Northern Railroad	4,000,000
Sidney Lanier Bridge, Brunswick, GA	900,000

RESERVE TRAINING

Amendment No. 22: Appropriates $25,000,000 instead of $77,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

The conference agreement assumes that at least $50,000,000 will be provided for reserve training in the Department of Defense Appropriations Act, 1992.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Amendment No. 23: Appropriates $29,150,000 instead of $27,800,000 as proposed by the House and $29,500,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Search and rescue	$2,025,000
Aids to navigation	765,000
Marine safety	1,400,000
Marine environmental protection	6,535,000
Enforcement of laws and treaties	1,700,000
National security	
Mission capabilities assessment	3,580,000
Multi-mission	4,395,000
Administrative support	8,750,000

The conference agreement includes the following projects:

SAR hovercraft demonstration in Upper Cook Inlet, Alaska	$75,000
Grant to New Jersey marine sciences consortium to develop instructional curriculum and educational materials on fishing vessel safety	300,000
South Florida oil spill research center	1,000,000
Assessment, test and evaluation of national strike force (NSF) equipment/system	200,000
Test and evaluation of temporary storage systems	100,000
Tank quick plugging/patching study	80,000
Cargo tank integrity verification	120,000
Operator information system on ship characteristics	120,000
Test and evaluation of environment Canada oil spill sensor	75,000
Full-scale tests to verify vessel maneuvering model	30,000
Aireye equipment improvements	250,000

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that authorizes the reimbursement of training expenses for non-federal domestic and foreign security personnel. The conferees have authorized these reimbursements for fiscal year 1992 to allow sufficient time for the appropriate authorizing committees to address this issue.

Amendment No. 25: Appropriates $4,360,000,000 instead of $4,342,000,000 as proposed by the House and $4,382,058,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Operations of air traffic control system	$1,986,533,000
(Positions)	(28,070)
NAS logistics support	197,240,000
(Positions)	(1,624)
Maintenance of air traffic control system	788,618,000
(Positions)	(10,848)
Leased telecommunications services	345,000,000
Aviation regulation and standards	458,703,000
(Positions)	(6,893)
Aviation security	65,683,000
(Positions)	(1,026)
NAS design and management	23,980,000
(Positions)	(301)
Administration of airports program	41,536,000

(Positions)	(549)
Direction, staff and supporting services	145,891,000
(Positions)	(1,180)
Human resource management	288,625,000
(Positions)	(1,460)
Headquarters administration	32,845,000
(Positions)	(400)
Management initiatives	−14,654,000

The conferees direct the FAA to organize an industry task force comprised of system users and operators charged with assessing the opportunities to improve traffic flows within the Chicago terminal airspace and surrounding en route airspace. This assessment should be combined with the current efforts of the FAA to examine the national impacts of restructuring the Chicago airspace. This group should be established by November 1, 1991, and report its findings and recommendations to the House and Senate Committees on Appropriations by April 1, 1993.

Amendment No. 26: Provides that $2,109,625,000 shall be derived from the airport and airway trust fund as proposed by the House instead of $2,129,680,200 as proposed by the Senate.

Amendment No. 27: Provides $2,000,000 for the Mid-American Aviation Resource Consortium as proposed by the House. The Senate bill contained no similar provision.

Since the MARC program is demonstrating a new method of training, the conferees believe the graduates of this program should be required to score a minimum of 70 on the OPM exam for hire as air traffic controllers. This is the current minimum score required by OPM for hire by the FAA.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$2,394,000,000, including $2,244,052,000 to remain available until September 30, 1994, and including $149,948,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows Federal funds to be used for construction activities in the airway science program.

Amendment No. 30: Provides limitations on funds for the precision runway monitor program and for facilities and equipment-funded personnel compensation and benefits as proposed by the House. The Senate bill included no similar provision.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that requires the installation of a stand alone directional finder receiver indicator system at the Salisbury, Maryland, airport flight service station. The House bill contained no similar provision.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Federal Aviation Administration to enter into a sole source procurement with the Regional Airport Authority of Louisville-Jefferson County, Kentucky for the design and construction of an air traffic control tower at Stanford Field. The House bill contained no similar provision.

A table showing the distribution of the facilities and equipment appropriation by project as included in the fiscal year 1992 budget request, House recommendation, Senate recommendation, and conference agreement follows:

FACILITIES AND EQUIPMENT

Funding by Project

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
Budget Activity 1				
Air Route Traffic Control Centers				
1. Long Range Radar	$85,417	$ 115,500	$ 85,417	$80,000
2. Radar Microwave Link	16,500	11,000	11,500	6,000
3. NEXRAD Radar	23,700	-----	23,700	21,000
4. Aviation Weather Services	23,400	23,400	-----	18,400
5. Improve En Route Facilities	28,041	24,540	25,540	24,540
6. Advanced Automation System (AAS)	557,800	411,226	478,080	445,000
7. En Route Software Development	10,950	9,500	13,500	10,000
8. Central Weather Processor	11,500	6,500	8,300	6,500
9. Aeronautical Data Link	17,600	-----	9,600	9,600
10. Automatic Dependent Surveillance	6,800	6,800	6,800	6,800
11. Improve En Route Automation	4,000	2,800	4,000	2,800
12. ARTCC Imp/Plant Modernization	50,400	50,400	50,400	36,700
13. Provide NADIN II	5,900	5,900	5,900	5,900
14. Voice Switching/Control (VSCS)	159,100	159,100	159,100	159,100
15. Comm Facilities Consolidation	2,000	-----	-----	------
16. High Capacity Voice Recorders	4,800	-----	-----	------
17. Air-Ground RFI Elimination	3,000	3,000	3,000	3,000
18. Expand/Relocate RCFs	5,000	5,000	5,000	5,000
19. Upgrade Traffic Mgmt System	15,000	13,000	15,000	13,000
20. Data Multiplexing Network	7,400	7,400	7,400	7,400
21. Critical Comms Support	11,000	9,000	9,000	6,000
22. SATCOM Circuit Backup	2,565	2,565	2,565	2,565
23. Relocate Central Flow Control	17,700	-----	2,000	500
24. Alaskan NAS Comm System	13,500	13,500	13,500	13,500
25. ARTCC Operational Support Space	9,000	-----	9,000	------
26. Improve En Route Communications	12,092	6,300	6,300	6,300
Subtotal	$ 1,104,165	$ 886,431	$ 954,602	$ 889,605
Budget Activity 2				
Airport Traffic Control Towers				
1. Airport Surveillance Radar	$ 17,600	$ 41,600	$57,600	$ 31,600
2. Terminal Doppler Weather Radar	21,000	31,000	21,000	21,000
3. Mode S	47,800	47,800	47,800	45,000
4. D-BRITE	3,000	3,000	3,000	3,000
5. Precision Runway Monitors	15,000	35,000	35,000	35,000
6. AMASS	13,000	-----	-----	------
7. Converging Runway Display Aid	2,800	2,800	2,800	2,800
8. Terminal Radar System Improvement	3,007	14,007	28,007	28,000
9. ARTS III-A in MCI	38,900	38,900	30,910	38,900

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
10. Southern Cal Facility Consol	18,800	17,200	17,200	15,200
11. Dallas/Fort Worth Airport	53,500	53,500	53,500	31,500
12. Terminal Software Dev Support	10,900	3,545	7,090	5,500
13. ARTS Radar Position Displays	7,000	7,000	7,000	7,000
14. New Airport Facility Planning	3,000	-----	-----	-----
15. Chicago TRACON Relocation	48,100	48,100	48,100	48,100
16. Terminal Automation Improvement	2,800	2,800	2,800	2,800
17. ATC/AF Simulation (SARTS)	10,000	10,000	10,000	10,000
18. Remote Maintenance Monitoring	30,200	19,000	19,000	19,000
19. Replace Terminal ATC Facilities	70,273	84,000	87,000	87,000
20. ATCT Establishment	3,204	3,204	3,204	3,204
21. ATCT/TRACON Modernization	18,864	18,864	21,114	18,864
22. Emergency Transceivers	9,000	-----	9,000	------
23. New Denver Airport (F&E)	45,000	41,700	41,700	41,700
24. Terminal Voice Switch Replacement	20,000	-----	20,000	15,000
25. Interim Support Plan (ISP)	136,000	102,000	102,000	102,000
26. ATCT Intra-Connectivity Program	4,700	4,700	4,700	4,700
27. Radio Control Equipment	15,000	6,000	2,900	6,000
28. DOD/FAA ATC Facilities Consol	7,800	7,800	7,800	7,800
29. ICSS	10,600	10,600	10,600	10,600
30. Terminal Comms Improvement	14,902	14,902	14,902	14,900
31. ASDE Radar System	-----	8,000	8,000	8,000
Subtotal	$ 701,750	$ 677,022	$ 723,727	$ 664,168
Budget Activity 3 Flight Service Facilities				
1. FSS Modernization	$36,800	24,200	24,200	19,200
2. WMSC Replacement	1,000	1,000	1,000	1,000
3. VHF Direction Finder Network	8,000	-----	-----	------
4. ASOS - Flight Service Facilities	27,000	27,000	27,000	27,000
5. Flight Service Facility Imp	4,254	5,554	4,254	5,554
Subtotal	$77,054	$ 57,754	56,454	$ 52,754
Budget Activity 4 Air Navigation Facilities				
1. VOR/DME	$30,381	$22,000	$22,000	$22,000
2. Loran-C Monitor System	3,200	3,200	3,200	3,200
3. Global Positioning System (GPS)	2,900	2,900	2,900	2,900
4. Loran-C Flight Following	1,200	1,200	1,200	1,200
5. Microwave Landing System (MLS)	55,000	55,000	55,000	55,000
6. Approach Lighting Imp (ALSIP)	15,700	15,700	15,700	15,700
7. ILS Replacement	29,900	35,465	37,965	36,500

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
8. ILS Category I Establishment	9,971	15,000	18,000	19,300
9. Visual Navaids	16,498	16,498	16,498	16,498
10. LLWAS Enhancement	4,100	4,100	4,100	4,100
11. Runway/Visual Range	3,300	4,630	5,300	4,630
12. ILS/Visual Navaids Eng	4,000	4,000	4,000	4,000
13. Auto Flt Procedures Dev	1,500	1,500	1,500	1,500
14. Takeover of Non-Federal ILS's	2,000	2,000	2,000	2,000
Subtotal	$ 179,650	$ 183,193	$ 189,363	$ 188,528
Budget Activity 5				
Housing, Utilities, and Miscellaneous Facilities				
1. FAA Housing	$ 5,500	$4,000	$ 4,000	$ 4,000
2. ADP Facilities Mgmt (CORN)	25,000	28,300	25,000	27,000
3. Buildings and Equipment	22,000	22,000	22,000	19,000
4. Electrical Power Systems	14,000	11,680	11,680	11,680
5. Employee Safety for ATCTs	10,800	15,000	10,800	12,000
6. Fuel Storage Tank Program	11,000	11,000	11,000	11,000
7. Auto Doc Dev & Maint (ADDM)	8,800	3,000	5,800	3,000
8. Land/Easement Purchase	8,000	5,000	5,000	5,000
9. Airport Datum Monument	1,500	1,500	1,500	1,500
10. CAEG System	2,200	2,200	2,200	2,200
11. NAS Mgmt Automation	5,000	5,000	5,000	5,000
12. Test Equipment Replacement	4,300	15,000	4,300	7,500
13. NAS Recovery Communications	6,645	-----	6,645	6,645
14. Explosive Detection Systems	4,790	4,790	6,790	4,790
15. System Engineering & Support	125,600	112,000	120,000	114,000
16. Air Nav/ATC System Support	3,500	3,500	3,500	3,500
17. Air Navaid/ATC Facilities Imp	8,250	8,250	8,250	8,250
18. Frequency/Spectrum Engineering	2,200	2,200	2,200	2,200
19. Independent OT&E Support	5,900	7,000	5,900	5,900
20. Contract Support Services	4,800	4,800	4,800	4,800
21. HAZMAT Management	20,000	20,000	20,000	20,000
22. Airmen/Aircraft Registry System	10,300	10,300	2,000	8,000
23. Human Resource Mgmt Plan	1,500	1,500	1,500	1,500
24. Implementation of NAS Modernization	8,000	7,000	8,000	4,000
25. Aviation Safety Analysis System	15,000	15,000	15,000	12,000
26. Computer-Based Instruction	7,000	3,200	5,000	3,200
27. Dynamic Ocean Track System	312	312	312	312
28. NAILS	8,000	12,000	8,000	9,500
29. Controller Chairs	2,700	5,500	2,700	2,700
30. Logistics Support Servics	6,700	6,700	6,700	6,700
31. National Simulator Laboratory	2,000	-----	-----	-----
32. Aeronautical Center Facilities	3,500	3,500	3,500	3,500

(in thousands of dollars)

	Fiscal year 1992 budget	House Recommended	Senate Recommended	Conference Agreement
33. Monroney Aeronautical Ctr Lease	10,300	10,300	10,300	10,300
34. Airway Science Program	3,000	10,000	25,000	20,000
35. Acquisition Oversight	-----	4,000	-----	1,000
36. Software Development	-----	4,000	-----	2,000
Subtotal	$378,097	$ 379,532	$ 374,377	$ 363,677
Budget Activity 6 Aircraft and Related Equipment				
1. Procure Flight Inspection A/C	$ 26,000	$ 78,000	$ 26,000	$ 26,000
2. Flight Inspection CV-580	6,300	6,300	6,300	6,300
3. Voice/Flight Data Recorders	1,800	1,800	1,800	1,800
4. Aircraft Items	8,285	8,285	8,285	5,985
5. Maintenance TACAN Simulator	1,300	1,300	1,300	1,300
6. Aircraft Windshear Warning Systems	500	500	500	500
7. Aircraft Turboprop Simulator Ph II	12,800	12,800	12,800	12,800
8. Aircraft Training Devices	235	235	235	235
9. S-76 Helicopter Upgrade	600	600	600	600
10. EFIS	1,900	1,900	1,900	1,900
Subtotal	$ 59,720	$ 111,720	$ 59,720	$ 57,420
Budget Activity 7 Development, Test and Evaluation				
1. FAA Tech Center - Lease	$ 5,290	$5,290	$5,290	$ 5,290
2. Utility Plant Modernization	3,400	3,400	3,400	3,400
3. General Airport Improvements	1,700	1,700	1,700	1,700
4. Fuels Research Facility	1,810	1,810	1,810	1,810
5. Nondestructive Evaluation Lab	2,000	2,000	2,000	2,000
6. System Support Lab Modernization	4,000	4,000	4,000	4,000
7. Tech Ctr R&D Lab Establishment	2,000	2,000	2,000	2,000
8. Technical Center Facilities	7,700	7,700	7,700	7,700
Subtotal	$ 27,900	$ 27,900	$ 27,900	$ 27,900
Budget Activity 8 Personnel Compensation, Benefits, and Travel				
1. Facility Establish/Improve	$156,716	$ 131,000	$ 156,716	$ 135,000
2. Flight Inspection	1,808	1,808	1,808	1,808
3. Factory Inspection/Acquisition	8,595	8,595	8,595	8,595
4. Aeronautical Center	4,545	4,545	4,545	4,545
Subtotal	$171,664	$ 145,948	$ 171,664	$ 149,948
Total Appropriation	$ 2,700,000	$2,469,500	$2,557,807	$2,394,000

Budget restructuring.—The conferees have agreed to maintain the existing budget structure for the facilities and equipment (F&E) appropriation, as proposed by the Senate, on the understanding that a revised structure will be submitted as part of the fiscal year 1993 President's budget, and that this new structure will address the concerns raised by the House. Preliminary agreements have been reached on this new structure, and the conferees agree that the basic elements of this proposal would be a significant improvement over the current situation. However, the conferees do *not* support the concept of transitioning funds for all new engineering development projects into the research, engineering and development (RE&D) appropriation. These funds should instead be maintained in F&E under a separate engineering development, test and evaluation subaccount. This latter arrangement is preferred since it would satisfy the present issues without raising significant and farreaching new concerns over moving these finds into the RE&D account. the conferees also note that the current proposal does not recognize the distinction in OMB Circular A-109 between limited production and full production. The Department is encouraged to consider that distinction in its final restructuring position.

Airport surveillance radar.—The conferees agree to provide $31,600,000 for this program, including $10,000,000 specifically for an ASR-9 radar system at Grand Junction, Colorado as proposed by the House.

Replacement of terminal air traffic control facilities.—The conferees agree to provide $87,000,000 for this program, as proposed by the Senate, and agree that within this total, locations specified in either the House or Senate reports are to be funded at the level recommended in those reports, and at the higher level if mentioned in both reports.

Establishment of instrument landing systems.—The conferees agree to provide $19,300,000 for this program. Locations funded are as follows:

Location	*Runway*
FAA Academy, OK	
Richmond, VA	2
Grand Rapids, MN	34
Boston, MA	4L
Louisville, KY	16L
Albuquerque, NM	35
St. Louis, MO	12L
Sacramento, CA	16L
Birmingham, AL	23
Connersville, IN	
Nashville, TN	2c/20C
Nacogdoches, TX (glideslope/markers)	18
Corinth, MS (Roscoe Turner Airport)	
Des Moines, IA	
Olive Branch, MS (localizer)	
Keokuk, IA (localizer)	
Dublin, GA (glideslope indicator)	

Replacement of instrument landing systems.—The conferees agree to provide $36,500,000 for this program instead of $35,465,000 as proposed by the House and $37,965,000 as proposed by the Senate. Within the amount provided, instrument landing systems are to be provided for each of the locations specified in either the House or Senate reports, except that the runway designations for landing systems at Chicago O'Hare Airport are amended to read "4R" and "9R".

Runway/visual range equipment.—The conferees agree that RVR locations specified in the House report are to be included in this program out of the funds provided.

Aircraft situation display (ASD) data.—The conferees agree with Senate direction requiring a plan for the provision of aircraft situation display (ASD) data by November 15, 1991, and provision of the data by February 15, 1992. The House proposed the submission of a plan by January 1, 1992.

Precision runway monitor/microwave landing system.—The conferees do not agree with House direction which would prevent the awarding of a contract for the microwave landing system until the FAA Administrator certifies that the electronic-scan precision runway monitor (PRM) at Raleigh-Durham International Airport will be commissioned by March 31, 1992. The conferees do not believe these to events should be linked, but do expect the FAA Administrator to take all necessary actions to ensure that the Raleigh-Durham PRM is commissioned no later than December 31, 1992.

Weather graphics systems.—The conferees agree to House direction requiring the FAA to keep their current weather graphics systems in place until the FAA can demonstrate that a new system will significantly improve capability. However, the conferees agree that this should not prevent the FAA from updating or making improvements to the existing systems.

Airway science program.—The conferees agree to provide $20,000,000 for this program instead of $10,000,000 as proposed by the House and $25,000,000 as proposed by the Senate. Within the amount provided, the following allocations are to be made:

Middle Tennessee State University	$250,000
Dowling College	3,000,000
North Dakota-Grand Forks	2,000,000
North Dakota State University	989,000
Northeast Louisiana University	4,000,000
Southern University	3,000,000
Daniel Webster College (priority consideration)	3,000,000

Voice switching/control system.—The conferees direct that none of the funds provided in fiscal year 1992 for this program are to be obligated until six weeks after submission of a report to the House and Senate Committees on Appropriations on the results of VSCS contractor testing.

Tower/TRACON modernization.—The conferees agree to provide $1,750,000 for a terminal radar approach in the tower cab at the Redmond municipal Airport as proposed by the Senate, but make the obligation of these funds contingent upon a written assurance from the FAA that such equipment can be utilized effectively without the construction at federal expense of additional facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 33: Appropriates $218,135,000 instead of $218,000,000 as proposed by the House and $225,120,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Air traffic control	$104,214,000
Advanced computer	21,051,000
Navigation	1,209,000
Aviation weather	5,169,000
Aviation medicine	11,069,000
Aircraft safety and security	71,423,000
Environment	4,000,000

Centers of Excellence for Aviation Research.—The conference agreement includes $3,000,000 to implement a centers of excellence for aviation research program as authorized by Public Law 101-508. Of this amount, the conferees direct that $1,500,000 be available for a joint center administered by Rutgers University and The Georgia Institute of Technology.

Wichita State University.—The conferees have included $1,414,000 for the advancement of aviation safety research at the National Institute for Aviation Research at Wichita State University, Wichita, Kansas.

Aircraft safety.—The conference agreement includes $635,000 for research into alternative fuels for use in high-powered, low-weight aircraft engines that currently use leaded aviation gasoline, $500,000 for continued high intensity radiated fields testing and $1,500,000 for the Center for Aviation Systems Reliability laboratory expansion.

Aviation security.—The conference agreement includes $565,000 for a 90-day test at an airport of mass spectrometer technology in combination with an X-ray machine and other selected security equipment.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Amendment No. 34: Limits general operating expenses to $419,000,000 instead of $326,400,000 as proposed by the House and $479,050,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Administrative expenses	$212,200,000
GSA rental payments	
Highway research, development and technology	28,500,000
Intelligent vehicle/highway systems research	20,000,000
Congested corridors	119,800,000
Technology assessment and deployment	8,000,000
Long-term pavement performance	10,000,000
National Highway Institute	3,000,000
Rural technical assistance	3,750,000
International transportation	100,000
Multimodal studies	4,000,000
Minority business enterprise	8,000,000
Highway use tax evasion	1,000,000
Feasibility, design, environmental studies	650,000
(Port of St. Bernard, LA, intermodal facility site engineering and feasibility study)	(450,000)
(Aroostook County, ME, study)	(200,000)

Highway research, development and technology.—The conference agreement includes the following:

Constructed Facilities Center, West Virginia University	$1,000,000
Highway safety information system	1,000,000
North Carolina geographic information system	1,000,000
Minnesota Humphrey Institute	750,000
Truck driver fatigue research	2,000,000

The conference agreement does not include any funds for production, broadcast, and dissemination of documentary materials regarding the state of the nation's infrastructure.

The conferees direct the Federal Highway Administration to establish a Bureau of

Transportation Statistics to collect information on the performance of the nation's transportation systems, and to provide annual reports to Congress on the use, productivity, safety, durability, environmental, and economic effects of the transportation systems.

Congested corridors.—The conference agreement distributes funds for congested corridors as follows:

Advantage I-75	$1,000,000
IVHS, Oakland County, MI	10,000,000
Chicago (ADVANCE)	7,500,000
Crescent	2,000,000
Detroit	500,000
FLAMINGO, Florida	5,000,000
Guidestar, Minnesota	10,000,000
Houston	2,000,000
Philadelphia	2,000,000
Electric vehicle, California	1,500,000
Smart corridor, California	1,000,000
Transcom, New York/New Jersey	3,000,000
MAGIC, New York/New Jersey	4,000,000
Toll road ETTM, New Jersey	25,000,000
Integrated corridor management, New Jersey/Philadelphia	6,000,000
Signal computerization, New Jersey	6,000,000
Southern State Parkway, New York	20,000,000
Baltimore-Washington Parkway, Maryland	300,000
Maryland arterials	2,200,000
Unallocated	10,800,000

Amendment No. 35: Provides that $206,800,000 of general operating expenses shall remain available until expended instead of $114,200,000 as proposed by the House and $266,850,000 as proposed by the Senate.

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

Amendment No. 36: Appropriates $5,000,000 as proposed by the House instead of $7,000,000 as proposed by the Senate.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 37: Appropriates $20,000,000 as proposed by the Senate instead of $10,000,000 as proposed by the House.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

Amendment No. 38: Appropriates $12,005,000, of which $8,003,333 shall be derived from the highway trust fund, instead of $13,270,000, of which $8,846,667 shall be derived from the highway trust fund, as proposed by the House. The Senate bill contained no similar appropriation.

The conference agreement includes the following amounts:

Augusta, Georgia	$2,475,000
Brownsville, Texas	4,320,000
Lafayette, Indiana	4,590,000
Springfield, Illinois	620,000

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 39: Limits obligations for Federal-aid highways and highway safety construction programs to $16,800,000,000 instead of $16,200,000,000 as proposed by the House and $17,092,610,000 as proposed by the Senate.

The conference agreement assumes continuation of current law regarding exempt programs as specified in the House report.

Interstate Transfer-highways.—The conference agreement includes the following allocations of interstate transfer-highways discretionary funds:

California	28,913,591
Maryland	18,257,335
Oregon	5,345,138

The conferees recognize that delays in some regions' projects might necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

The conference agreement includes those projects specified under I-4R discretionary, interstate discretionary, Federal lands highways, parkways and park highways, and discretionary bridges in the House and Senate reports. In addition, the conferees direct that priority consideration be given to the following discretionary bridge projects:

Portland-South Portland, Maine

Port Vue Bridge, Pennsylvania

34th Street Bridge, Philadelphia, Pennsylvania

Falls Bridge, Pennsylvania

Loop Bridge, Long Beach, New York

Amendment No. 40: Deletes Senate provision that limits obligations for section 157 of title 23, United States Code, to $1,100,000,000. The House bill contained no similar provision.

The conferees acknowledge that the minimum allocation program exists to reduce the negative impact of highway allocation formulas on the donor states but are, nevertheless, concerned about the growth in outlays associated with the program. These outlays are charged against the House and Senate transportation Appropriations Subcommittees' domestic discretionary outlay allocations but are presently exempt from any controls or limitations. The conferees direct that the Federal Highway Administration provide a report on the amount of contract authority and outlays associated with the minimum allocation program for each of the past eight years and include recommendations on how to control the outlays associated with the program.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 41: Appropriates $15,400,000,000 as proposed by the Senate instead of $15,100,000,000 as proposed by the House.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

Amendment No. 42: Limits obligations for direct loans to $42,500,000 as proposed by the Senate instead of $70,000,000 as proposed by the House.

MOTOR CARRIER SAFETY

Amendment No. 43: Deletes the head proposed by the Senate. The House bill contained no similar head.

Amendment No. 44: Appropriates $47,600,000 instead of $48,417,000 as proposed by the House and $46,000,000 to be derived from the highway trust fund as proposed by the Senate.

The conference agreement includes the following reductions from the budget request:

GSA rental payments	-$100,000
Travel	-500,000
ADP support and equipment	-500,000
Staffing reduction	-200,000
Report on uniform hazardous materials registration and permitting procedures	-100,000
Contract research	-317,000

The conference agreement provides for the following staff increases over fiscal year 1991:

Hazardous Materials Transportation Uniform Safety Act	+30
Sanitary Food Transportation Act	+4
Motor Carrier Safety Act	+2
Motor Carrier Safety Assistance Program	+2

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 45: Limits obligations to $65,000,000 instead of $60,000,000 as proposed by the House and $65,500,000 as proposed by the Senate.

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

Amendment No. 46: Appropriates $19,800,000 instead of $22,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

INTERMODAL URBAN DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

Amendment No. 47: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

Amendment No. 48: Appropriates $19,800,000 instead of $22,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 49: Appropriates $16,350,000 instead of $18,700,000 as proposed by the House. The Senate bill contained no similar appropriation.

The conferees direct that $800,000 shall be made available for the improvement of Saginaw Street in East Lansing, Michigan.

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

Amendment No. 50: Appropriates $4,500,000 instead of $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY WIDENING DEMONSTRATION PROJECT

Amendment No. 51: Appropriates $1,800,000 instead of $2,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 52: Appropriates $7,200,000 instead of $8,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

CLIMBING LANE AND HIGHWAY SAFETY DEMONSTRATION PROJECT

Amendment No. 53: Appropriates $6,300,000 instead of $7,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

Amendment No. 54: Appropriates $3,600,000 instead of $4,000,000 as proposed by the

House. The Senate bill contained no similar appropriation.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

Amendment No. 55: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

Amendment No. 56: Appropriates $4,500,000 instead of $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

Amendment No. 57: Appropriates $5,400,000 instead of $6,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

URBAN HIGHWAY CORRIDOR AND BICYCLE TRANSPORTATION DEMONSTRATION PROJECTS

Amendment No. 58: Appropriates $9,630,000 for the M–59 urban highway corridor and $900,000 for a bicycle transportation project instead of $10,700,000 and $1,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

The conferees direct that $2,500,000 shall be made available for surfacing of White Lake Road in White Lake Township between Andersonville Road and Teggerdine Road.

URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

Amendment No. 59: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

PENNSYLVANIA RECONSTRUCTION DEMONSTRATION PROJECT

Amendment No. 60: Appropriates $8,100,000 instead of $9,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

PENNSYLVANIA TOLL ROAD DEMONSTRATION PROJECT

Amendment No. 61: Appropriates $1,800,000 instead of $2,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY BYPASS DEMONSTRATION PROJECT

Amendment No. 62: Appropriates $9,000,000 instead of $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY DEMONSTRATION PROJECTS (INCLUDING TRANSFER OF FUNDS)

Amendment No. 63: Restores the head as proposed by the House. The Senate bill contained no similar head.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

$249,146,000, together with $4,628,000 to be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project"

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following allocations for highway demonstration projects:

Bridge construction (Hillsboro, IL)	$850,000
Florida U.S. 27 (Palm Beach County)	6,050,000
U.S. Route 89 (Farmington to Ogden, UT)	4,050,000
Columbus, IN, I–65 and State Road 46 interchange	3,150,000
Florida causeway (17th Street) tunnel project (Fort Lauderdale)	5,225,000
Hubbard Expressway project (Youngstown, OH)	3,600,000
Indiana East Chicago Marina/rerouting of Route 12	756,000
Interstate 680 access ramps project (Youngstown, OH)	2,250,000
Michigan Bristol Road relocation project (Flint and Genesee County)	4,500,000
Michigan M–84 expansion (Saginaw and Bay Counties)	450,000
Michigan U.S. 31 (City of Niles and City of Benton Harbor)	450,000
Muncie, IN, State Road 67 (I–69 to Muncie By-Pass)	6,300,000
New York Exit 26 bridge project (Schenectady County)	3,600,000
Pennsylvania State Route 711 bypass (Ligonier)	900,000
Highway 101 (tri-state) feasibility study	270,000
Alabama-Florida (connect I–65 to I–10 in Pensacola, FL)	1,842,000
Bridge between Niobrara, NE and Springfield, SD	3,200,000
California: Highway 152 (Interstate 5 in Central Valley with U.S. 101 and CA Hwy 1)	1,600,000
Florida: Northeast Dade bikepaths:	
City of North Miami	800,000
City of North Miami Beach	865,000
Dade County for Aventura and Sunny Isles	850,000
Illinois: U.S. Highway 20 between Freeport and Galena	2,113,000
Illinois: Springfield Eleventh Street extension	700,000
Indiana: Indianapolis to Evansville	3,200,000
Iowa Highway 2	360,000
Iowa: Black Hawk County-Rainbow Drive and 18th St/Cedar Falls	3,200,000
Michigan: Grand Rapids I–96 By-pass	2,400,000
Minnesota: 77th Street reconstruction	9,240,000
Missouri: Telegraph Avenue/I–255 interchange	40,000
Montana: U.S. Highway 93 (Native American religious site)	100,000
Nevada: I–15/Sahara Avenue interchange	1,600,000
Nevada: U.S. 395 extension from South Virginia Avenue to Mount Rose Highway	2,800,000
New Mexico: Santa Fe Relief Route (bypass)	4,800,000
(By transfer)	(4,628,000)
New York: Miller highway from 59th Street to 72nd Street (west side of Manhattan)	2,800,000
New York: Mount Vernon parking facility	320,000
North Carolina: U.S. 64	2,560,000
Pennsylvania: North Philadelphia intermodal facility	4,800,000
Pennsylvania: Center Avenue extension	3,200,000
Pennsylvania: Interstate highway 81 (vicinity of Wilkes-Barre)	4,000,000
Pennsylvania: Quakertown congestion relief (Bucks County)	1,000,000
Pennsylvania: U.S. Route 6 bypass/widening (Wysox, Towanda, and Tunkhannock Boroughs)	4,000,000
Pennsylvania: U.S. Route 202 (King of Prussia and Montgomeryville)	400,000
Ohio Railroad-highway corridor studies (6)	240,000
Texas: City of Laredo (FM 3464 from Mines Road (FM 1472) to Interstate 35)	1,600,000
U.S. Route 24 (from Fort Wayne, IN to Toledo, OH)	240,000
Utah: West Valley City-widen 5600 West	1,600,000
Virginia I–495 interchanges (Capital Beltway)	1,600,000
Virgin Islands: Christiansted Bypass	1,600,000
Washington: Marysville/Tulalip Tribes I–5 interchange	2,720,000
Washington: Snohomish County HOV lanes/park and ride project	800,000
Fifth/Sixth Street improvements, Waterloo, IA	4,500,000
Des Moines inner loop, IA	1,800,000
Highway 71, Fayetteville, AR	12,600,000
Interstate 90 interchange, Bozeman, MT	675,000
Airport access road, Albuquerque, NM	4,320,000
Lock and dam, 4, Pine Bluff, AR	3,600,000
U.S. 212 bridge, Forest City, SD	2,560,000
Crossing project, Provo, UT	3,150,000
Eighth Street bridge crossing, Sheboygan, WI	6,560,000
Bridge safety repair, VT	990,000
Alaska-Canada highway	9,600,000
Southeast Kansas corridor	1,376,000
Pearl River bridge, Jackson, MS	1,600,000
Maricopa Road, AZ	3,600,000
Interstate 35 interchange, Salina, KS	2,584,000
Pond Creek, Grant County, OK	800,000
Highway beautification, Grand Forks, ND	800,000
FBI complex, Harrison County, WV	9,840,000
Route 21 widening, Newark, NJ	5,000,000
I–280 downtown connector interim improvements, Newark, NJ	3,000,000
I–78 downtown connector, Newark, NJ	4,000,000
Raymond Plaza/Penn Station, Newark, NJ	1,500,000
Interstate emergency call-box system, NJ	3,500,000
Routes 70/38 circle elimination, NJ	6,000,000
Sky Harbor access road, AZ	5,040,000

Route 4 bridge replacement, NJ	2,000,000
Chief Joseph Highway, WY	4,800,000
Right-of-way, El Santo and related roads, Taos, NM	480,000
I-87 Tappan Zee moveable median barrier, NY	4,800,000
Gowanus Expressway, NY	1,200,000
Meadowbrook State Parkway, NY	3,600,000
Belgrade overpass, MT	1,200,000
Pine Creek, McCurtain County, OK	1,440,000
Rail crossing, Caliente, NV	1,600,000
Highway 30, Clinton, IA	1,440,000
Ports-of-entry, Columbus/Sunland Park, NM	2,400,000
Maple Road extension, Walled Lake, MI	2,400,000
Bryden Canyon Bridge access, Clarkston, WA	3,600,000
Overland Park interchange, KS	3,600,000

Amendment No. 65: Deletes Senate provision that exempts funds appropriated from any limitation on obligations for Federal-aid highways and highway safety construction programs. The House bill contained no similar provision.

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

Amendment No. 66: Inserts the head as proposed by the Senate.

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental, and preliminary engineering studies, $18,448,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following allocations for highway studies:

Route No. 9, WV	$1,040,000
Route No. 2, WV	2,080,000
U.S. Route No. 52, WV	800,000
FBI complex	480,000
Madison County, MS	192,000
Vermillion-Newcastle Bridge, SD & NE	32,000
National Park System	240,000
Tacoma Narrows Bridge, WA	480,000
Bridge study, Greenville, MS	204,000
Tonto National Forest, AZ	720,000
Kihei-Heleakala Highway, HI	1,200,000
Interchange, Johnson City, TN	280,000
Route 21 viaduct, NJ	2,700,000
Route 17/Route 4 interchange, NJ	4,000,000
Route 208/Route 4 interchange, NJ	4,000,000

CORRIDOR G IMPROVEMENT PROGRAM

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$148,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CORNING BY-PASS SAFETY DEMONSTRATION PROJECT

Amendment No. 69: Reported in technical disagreement. The managers of the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$12,600,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TURQUOISE TRAIL PROJECT

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$2,700,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OTTUMWA ROAD EXTENSION PROJECT

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$7,200,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NORTH CAROLINA CONNECTOR PROJECT

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert *$4,800,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $78,528,000, to remain available until September 30, 1994.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

Amendment No. 74: Deletes language proposed by the Senate which would have allowed funding for activities authorized by the Motor Vehicle Information and Cost Savings Act and the National Traffic and Motor Vehicle Safety Act to be derived from the highway trust fund. The House bill contained no similar language.

Amendment No. 75: Appropriates $44,172,000 from the highway trust fund for operations and research instead of $42,357,000 as proposed by the House and $121,986,000 as proposed by the Senate.

The conference agreement for operations and research includes the following adjustments to the President's budget request:

Rulemaking:	
Rulemaking-related contracts	−$1,145,000
Fuel economy staffing	−112,000
CAFE-related environmental impact statement	−1,400,000
New car assessment program	+290,000
Enforcement. Compliance activities	+300,000
Highway Safety:	
Alcohol/drug contracts	−700,000
Delete DEC/NIDA position	−65,000
Highway safety literature review	−35,000
Section 402 grants administration	−200,000
Police traffic services	−345,000
TEAM program	+170,000
Research and Analysis:	
Biomechanics research	+3,000,000
Jackson Memorial Hospital	+2,000,000
IVHS research	−500,000
National accident sampling system	−675,000
National advanced driving simulator	−1,500,000
NCSA positions	−62,000
Youth awareness initiatives	+150,000
Truck tire test procedures	+360,000
Lightweight automotive component research	+350,000
Underage drinking reduction	+225,000
Trauma research-passenger compartment intrusions	+500,000
Office of the Administrator:	
Office of the Director, Intergovernmental Affairs	−173,000
Public/consumer affairs position	+35,000
Accountwide	−40,000
General Administration Evaluations	−270,000
Accountwide Adjustments:	
Rental payment consolidation	−4,157,000
Training	−57,000
Computer support	−250,000
SES bonuses	−20,000
Travel	−125,000
Printing and reproduction	−23,000
Supplies and materials	−33,000

New car assessment program.—The conferees direct NHTSA to provide a study to the House and Senate Committees on Appropriations comparing the results of new car assessment program (NCAP) data from previous model years to determine the validity of these tests in predicting actual on-the-road injuries and fatalities over the lifetime of the models. The study shall also address the efficacy of allowing automobile manufacturers to choose between the "high tech" and "low tech" dummies for the purposes of NCAP testing. Separately, NHTSA shall proceed to fully implement the NCAP initiative cited in the Senate report.

Motor vehicle theft prevention study.—The conferees direct that the report on motor ve-

hicle theft prevention called for by the Senate be expanded to include actions by others who have a significant role in reducing such thefts, including law enforcement agencies at all levels of government, and an assessment of the effectiveness of state automobile theft prevention programs.

Office of the Administrator staffing.—The conferees have agreed with the proposal of the House to eliminate all funding for the office of the director of intergovernmental affairs. The funding for clerical and administrative support for this office has been reallocated to the Office of Public and Consumer Affairs. The conferees agree that NHTSA needs to take actions to improve its Congressional affairs activities, and once those solutions are found, the House and Senate Committees on Appropriations will entertain a prior approval reprogramming request which could allow continuation of this important activity. Funding for the deputy administrator's position, which was deleted under the House proposal, has been restored.

Travel funds.—The conferees do not agree with Senate direction restricting the use of travel funds to certain activities.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 76: Deletes Senate language which would have allowed liquidating cash in this appropriation to be utilized for carrying out the provisions of section 153 of title 23, United States Code. The House bill did not include section 153.

Amendment No. 77: Appropriates $130,000,000 for highway traffic safety grants as proposed by the House instead of $150,000,000 as proposed by the Senate.

Amendment No. 78: Limits obligations to $118,000,000 for state and community highway safety grants instead of $115,000,000 as proposed by the House and $120,000,000 as proposed by the Senate.

Amendment No. 79: Deletes language proposed by the Senate which limits obligations for state grants authorized under 23 U.S.C. 153 to $20,000,000. The House bill contained no similar provision.

Amendment No. 80: Limits obligations to $5,153,000 for administration of the section 402 grants program as proposed by the Senate instead of $5,353,000 as proposed by the House.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Amendment No. 81: Appropriates $16,442,000 for the Office of the Administrator instead of $16,077,000 as proposed by the House and $16,962,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Salaries and expenses:	
Office of administrator staffing (−1 FTE)	−$100,000
Merit pay	−16,000
Office of general counsel staffing (−FTE)	−54,000
Contractual support:	
Enhanced rail network	−50,000
Alaska-Railroad:	
Environmental cleanup	−300,000
Accountwide adjustments:	
Rental payment consolidation	−1,256,000

MX rail garrison reimbursable positions.—The conferees agree that no reimbursable full time equivalent positions are to be allocated to the Air Force MX rail garrison program, due to the recent Presidential decision to terminate that program. The budget request assumes 4 such positions.

LOCAL RAIL FREIGHT ASSISTANCE

Amendment No. 82: Appropriates $11,500,000 instead of $10,000,000 as proposed by the House and $14,000,000 as proposed by the Senate.

RAILROAD SAFETY

Amendment No. 83: Appropriates $37,706,000 instead of $37,136,000 as proposed by the House and $38,921,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Federal enforcement:	
Sanitary food transportation act implementation	−$1,076,000
HMTUSA implementation	−250,000
Inspector training	−235,000
Inspector trainees	−100,000
Automated Track Inspection	−90,000
Regulation and administration:	
Data management	−80,000
Accountwide adjustments:	
Rental payment consolidation	−1,487,000

Inspector training facility.—The conferees agree with House direction regarding a university-based inspector training facility.

RAILROAD RESEARCH AND DEVELOPMENT

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$22,331,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $150,000 for railroad metallurgical and welding studies at the Oregon Graduate Institute.

The conference agreement includes the following adjustments to the President's budget request:

Equipment, operations and hazardous materials:	
Human factors research	+200,000
Nuclear materials routing study	−110,000
Shortline railroad database development	+125,000
Track safety research:	
Track research	−447,000
Magnetic levitation/high speed rail	−3,550,000
Administration:	
Delete maglev position	−70,000
TRB general support	−50,000
Accountwide adjustments:	
Rental payment consolidation	−65,000

Magnetic levitation/high speed rail.—The conference agreement provides $12,000,000 for magnetic levitation/high speed rail, of which $800,000 is for national laboratories managed by the Department of Energy. Also included in the total amount provided is $500,000 for each of the following state planning grants:

Baltimore-Washington (Maryland DOT)

New York City-Albany-Boston (New York DOT)

Milwaukee-Chicago (Wisconsin DOT)

Allegheny County, Pennsylvania (Pennsylvania DOT)

Clark County/Las Vegas, Nevada (Nevada DOT)

With regard to the New York-Albany-Boston project, the conferees note that this is a cooperative venture between the State of New York and the Commonwealth of Massachusetts and that, in addition, the alignment includes Springfield, Worcester, and Pittsfield, Massachusetts. The conferees direct the United States Department of Transportation to favorably consider all non-Federal sources of matching funds and to credit grant recipients with the value of relevant portions of all locally funded maglev or advanced steel wheel studies which are either planned or underway.

Shortline/regional railroad database development.—The conferees direct that $125,000 of the amount made available for research and development shall be used for the Shortline Railroad Reporting Database Development Project at the Upper Great Plains Transportation Institute at North Dakota State University.

MAGNETIC LEVITATION TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 86: Report in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Of the funds provided under this head, $2,500,000 is available until expended for grants to specific states to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: Provided, that any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Amendment No. 87: Appropriates $205,000,000 instead of $36,000,000 as proposed by the House and $260,000,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Routine Capital Expenses of the Northeast Corridor	
Washington-New York:	
Bridge upgrades	$5,500,000
Penn Station/tunnel safety improvements	12,600,000
New Jersey CETC	5,300,000
Sunnyside yard track/platform renewal	7,100,000
Undercutting	2,000,000
Interlocking reconfiguration/turnout rehabilitation	5,500,000
Electric traction upgrades	7,000,000
Communication/signal system upgrades	5,000,000
New York-Boston:	
Bridge upgrades	2,200,000
High level platform	2,700,000
Total	54,900,000
New York-Boston High Speed Rail Improvements	
Electrification	110,000,000

New York-Boston High Speed Rail Improvements—Continued

High-speed interlocking	5,000,000
Electrification compatible signal system	17,800,000
Stamford center island platforms design	3,300,000
Bridge clearance	8,500,000
Project management	5,500,000
Total	150,100,000

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Amendment No. 88: Appropriates $506,000,000 in total funding for grants to the National Railroad Passenger Corporation (Amtrak) instead of $503,900,000 as proposed by the House and $511,000,000 as proposed by the Senate.

Amendment No. 89: Provides $331,000,000 for operating losses and labor protection costs as proposed by the Senate instead of $328,900,000 as proposed by the House.

Within the amount provided, up to $700,000 is available for necessary expenses for the additional section 403(b) train described in the House report and $500,000 is for the high speed rail study described in the House report.

Service to Maine.—The conferees expect that upon completion of improvements to upgrade the rail line between Boston, Massachusetts and Portland, Maine, Amtrak will provide the passenger equipment and locomotives needed to operate three daily round trips at no cost to the states, provided that the other capital costs associated with new service for upgrade of facilities and right-of-way are funded from non-Amtrak sources. Upon the completion of improvements to the Boston-to-Portland rail line, Maine will become the ninth state to operate a section 403(b)) rail service, based on a shared Amtrak-state operating budget.

Amendment No. 90: Provides $175,000,000 for capital improvements as proposed by the House instead of $180,000,000 as proposed by the Senate.

Thirtieth Street Station demonstration project.—The conferees agree that, of the amount provided, $7,000,000 is available only for the Thirtieth Street Station demonstration project described in the House report.

Amtrak stations.—The conferees agree with House report language regarding Amtrak station facilities in Toledo, Ohio and Willimantic, Connecticut and with Senate report language regarding parking problems at the Amtrak station in Charleston, West Virginia.

Noise barriers.—The conferees agree that $500,000 of the amount provided is to address Amtrak-related noise problems between Readville and Forest Hills, Massachusetts, as described in the House report.

Amendment No. 91: Provides that rail passenger service between Atlantic City, New Jersey and the Northeast Corridor main line be discontinued if revenues from that service are not at least 75 percent of the short-term avoidable costs of operating such service in the third year of operation. The House bill required revenues to cover 80 percent of costs in the third year and 100 percent for each year thereafter. The Senate bill contained no similar provision.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits funding for acquisition, construction, or rehabilitation of the rail line between Spuyten Duyvil, New York and the Northeast Corridor main line unless 40 percent or more of the costs of such improvements are derived from non-Amtrak sources.

CONRAIL COMMUTER TRANSITION ASSISTANCE

Amendment No. 93: Appropriates $13,600,000 instead of $27,200,000 as proposed by the House. The Senate bill contained no similar appropriation. The conference agreement distributes the funds as follows: Manayunk Bridge (rehabilitation or the first part of replacement), $10,000,000; Cresson Street trestle/station repair work in Manayunk, $3,600,000.

AMTRAK CORRIDOR IMPROVEMENT LOANS

Amendment No. 94: Provides $3,500,000 in loans as proposed by the House. The Senate bill contained no similar provision.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

Amendment No. 95: Appropriates $37,000,000 as proposed by the House instead of $19,566,419 as proposed by the Senate.

RESEARCH, TRAINING AND HUMAN RESOURCES

Amendment No. 96: Inserts heading as proposed by the House.

Amendment No. 97: Deletes the word "planning" proposed by the Senate.

Amendment No. 98: Appropriates $26,000,000, of which $5,000,000 shall be available to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended, as proposed by the House instead of $58,347,073 as proposed by the Senate.

The conference agreement includes the following amendments:

Project ACTION	$2,000,000
Fuel cell bus	1,000,000
Photovoltaic feasibility study	50,000
Center for Suburban Mobility	750,000
Inner-city youth job-transit training program (Newark, N.J.)	500,000

FORMULA GRANTS

Amendment No. 99: Appropriates $1,520,000,000 instead of $1,600,000,000 as proposed by the House and $1,058,043,440 as proposed by the Senate.

Amendment No. 100: Deletes language proposed by the Senate providing that $177,822,231 shall be derived from the mass transit account of the highway trust fund.

TRUST FUNDED PROGRAMS

(LIMITATION ON OBLIGATIONS)

Amendment No. 101: Deletes language proposed by the Senate establishing limitations on obligations for administrative expenses, formula grants, interstate transfer grants-transit, university transportation centers, and transit planning and research.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 102: Limits obligations to $1,900,000,000 as proposed by the House instead of $535,000,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Bus and bus facilities	$230,000,000
Existing rail modernization and extensions	550,000,000
New systems and new extensions	565,000,000
(Los Angeles)	(135,000,000)
(Atlanta)	(20,000,000)
(St. Louis)	(35,000,000)
(San Francisco)	(55,000,000)
(Honolulu)	(40,000,000)
(Houston)	(30,000,000)
(Dallas)	(40,000,000)
(Baltimore)	(5,000,000)
(Jacksonville)	(10,000,000)
(Cleveland)	(1,000,000)
(New Jersey Urban Core)	(70,000,000)
(Chicago)	(21,000,000)
(Miami)	(11,000,000)
(Salt Lake City)	(5,000,000)
(San Diego)	(1,000,000)
(Pittsburgh)	(15,000,000)
(Portland)	(26,000,000)
(New York)	(11,000,000)
(Boston)	(21,000,000)
(Kansas City)	(1,000,000)
(Philadelphia cross-country)	(1,000,000)
(Seattle-Tacoma)	(10,000,000)
(Orlando)	(1,000,000)
Planning	45,000,000
Elderly and Handicapped ...	55,000,000
University transportation centers	5,000,000
Section 9B formula grants .	450,000,000

The conferees have approved the specific bus, rail modernization, and planning projects identified in the House and Senate reports with the following modifications:

Kansas City, Missouri Area Transit Authority is added to the listing of bus projects;

Houston, Texas is deleted from the listing of bus projects;

Brazos Transit System, Texas is included on the listing of bus projects at a funding level of $10,000,000; and

Tucson, Arizona dial-a-ride is added to the listing of bus projects at a funding level of $4,000,000.

Houston.—The conferees recommend $30,000,000 for Houston transit new start projects. The conferees agree that no money should be obligated specifically for Houston monorail without a strong consensus within the public, along with local, state and federal representatives consistent with UMTA rules and regulations applicable to new start projects. The conferees also direct UMTA to keep previously earmarked funds for transit projects in the City of Houston unobligated.

Buffalo.—The conferees agree with the position of the House regarding the NFTA's bus improvement program, and further direct that the $5,000,000 be supplemented with an amount equal to the $2,343,744 in cost savings realized by the NFTA from funds previously provided for the construction of the Cold Springs bus facility.

Chattanooga.—The conferees have included $1,000,000 for the Chattanooga downtown circulator from the bus and bus facilities account rather than $1,000,000 from the new systems account. In addition, the conferees direct UMTA to reprogram $1,000,000 provided in the fiscal year 1991 UMTA new systems account for Chattanooga to the bus and bus facilities account for the Chattanooga downtown circulator.

Planning.—The conferees concur in the House language and further expect that the funding of transit studies conducted by regional transit authorities encompassing more than one metropolitan planning organization (MPO) should be a priority for UMTA. The conferees direct the administrator to fund such studies as part of a national program to address such issues as accessibility for the disabled, air quality and traffic congestion.

Amendment No. 103: Deletes language inserted by the House and deletes language inserted by the Senate.

DISCRETIONARY GRANTS

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

DISCRETIONARY GRANTS

None of the funds provided in fiscal year 1992 to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) shall be used for the study, design, engineering, construction or other activities related to the monorail segment of the Houston metro program.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 105: Deletes language inserted by the House and deletes language inserted by the Senate.

Amendment No. 106: Appropriates $1,500,000,000 as proposed by the Senate instead of $1,400,000,000 as proposed by the House.

UNIVERSITY TRANSPORTATION CENTERS

Amendment No. 107: Deletes appropriation of $2,632,159 proposed by the Senate.

The conference agreement includes $5,000,000 for university transportation centers under amendment numbered 102.

INTERSTATE TRANSFER GRANTS—TRANSIT

Amendment No. 108: Appropriates $160,000,000 as proposed by the House instead of $51,410,087 as proposed by the Senate.

The conferees have approved the discretionary allocations contained in the Senate report.

Amendment No. 109: Deletes Senate language providing that $8,640,341 shall be derived from the mass transit account of the highway trust fund.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

Amendment No. 110: Appropriates $10,550,000 as proposed by the Senate instead of $10,600,000 as proposed by the House.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

Amendment No. 111: Provides no appropriation as proposed by the Senate instead of $21,582,000 as proposed by the House. Funding for these activities has been provided in separate appropriations as described in amendments numbered 112 through 116.

HAZARDOUS MATERIALS SAFETY

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$12,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Re-estimate of PC&B costs	+$322,000
Sanitary food transportation act implementation	−200,000
Sanitary food transportation act flow study	−100,000
Sanitary food transportation act positions (−2)	−105,000
HMTUSA mode and route study	−250,000
HMTUSA training curriculum development	−150,000
HMTUSA positions (−1)	−60,000
HAZMAT regulatory mode and route study	−83,000
Hazardous materials specialists program	−36,000
Rulemaking	−60,000
Emergency response support	−200,000
R&D: information systems	−80,000
R&D: other adjustments	−54,000
User fee offsets	+1,900,000

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$5,130,000	$5,300,000
Operating expenses	463,000	450,000
Program activities	4,181,000	5,002,000
Research and development	1,382,000	1,248,000
Total	11,156,000	12,000,000
Positions [FTP]	115	112

HMTUSA start-up costs.—The conferees direct that, of the funds provided, $1,900,000 is provided only for start-up costs related to the hazardous materials registration program established in the Hazardous Materials Transportation and Uniform Safety Act of 1990 (HMTUSA). These costs are fully offset by registration fees as required in the Senate bill and agreed to by the conferees.

AVIATION INFORMATION MANAGEMENT

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $2,495,000 for aviation information management activities. The House bill included funding for these activities under the Research and special programs appropriation.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$2,214,000	$2,114,000
Operating expenses	81,000	81,000
Program activities	791,000	300,000
Total	3,086,000	2,495,000
Positions [FTP]	34	34

EMERGENCY TRANSPORTATION

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$927,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes all reductions proposed by the Senate except the funding for the emergency transportation database enhancement, for which an additional $17,000 in research and development funds is deducted.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$656,000	$656,000
Operating expenses	108,000	108,000
Program activities	141,000	90,000
Research and development	110,000	73,000
Total	1,015,000	927,000
Positions [FTP]	7	7

RESEARCH AND TECHNOLOGY

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$1,516,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the funding added by the Senate ($293,000) and the reductions proposed by the House for studies related to the global positioning system and human factors research ($352,000).

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$769,000	$1,045,000
Operating expenses	104,000	121,000
Research and development	702,000	350,000
Total	1,575,000	1,516,000
Positions [FTP]	10	14

Volpe National Transportation Systems Center staffing.—The conferees agree that the Volpe National Transportation Systems Center may hire up to an additional 20 other than full time equivalent positions during fiscal year 1992. As explained under amendment numbered 155, the Senate recedes from its provision requiring up to 40 additional positions.

PROGRAM AND ADMINISTRATIVE SUPPORT

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$5,428,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes each of the adjustments to the budget request proposed by the Senate as well as the following additional reductions: Office of chief counsel—reduction of one proposed position ($50,000) and reduction in budget growth ($13,000); operating expenses growth containment ($91,000); office of the administrator—administrative costs ($5,000); office of civil rights—administrative costs ($19,000). The conferees wish to make it clear that funding is included for the additional budgeting position contained in the President's budget request.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$3,597,000	$3,181,000
Operating expenses	3,445,000	2,209,000
Program activities	38,000	38,000

	Fiscal year 1992 estimate	Conference agreement
Total	7,080,000	5,428,000
Positions [FTP]		
Executive direction	5	5
Policy and programs	2	3
Research technology and analysis	2	0
Civil rights and special programs	1	2
Management and administration	15	18
Legal services and support	12	14
Transportation Safety Institute	2	0
Total	39	42

Programming guidelines.—The conferees agree with the position of the Senate that reprogramming abuses have occurred in this agency and consequently agree to all of the reprogramming guidelines as proposed by the Senate.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

Amendment No. 117: Appropriates $13,553,000 as proposed by the Senate instead of $13,472,000 as proposed by the House.

Amendment No. 118: Deletes comma proposed by the Senate.

A breakdown of the funding and positions provided and a comparison to the budget request are as follows:

	Fiscal year 1992 estimate	Conference agreement
Personnel, compensation and benefits	$3,483,000	$3,483,000
Operating expenses	1,594,000	1,144,000
Program funds	1,026,000	1,076,000
Research and development	850,000	850,000
State grants	7,000,000	7,000,000
Total	13,953,000	13,553,000
Positions [FTP]	66	66

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

Amendment No. 119: Appropriates $37,005,000 as proposed by the House instead of $36,518,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

Amendment No. 120: Appropriates $2,940,000 instead of $2,900,000 as proposed by the House and $2,980,000 as proposed by the Senate.

The conference agreement also includes the House language providing that there may be credited to this appropriation funds received for training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Amendment No. 121: Appropriates $34,676,000 instead of $34,176,000 as proposed by the House and $35,676,000 as proposed by the Senate.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

Amendment No. 122: Appropriates $40,923,000 as proposed by the House instead of $41,373,000 as proposed by the Senate.

ICC staffing.—The conference agreement reflects the office-by-office staffing levels proposed in the budget request with the exception of a total of 3 staff years transferred from the offices of congressional/legislative affairs (−2) and external affairs (−1) to the office of compliance and consumer assistance (OCCA). The House proposed a transfer of 5 staff years.

Amendment No. 123: Inserts language proposed by the Senate limiting to $5,500,000 the amount of fees collected in fiscal year 1992 that may be credited to this appropriation. The House bill contained no limitation.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

Amendment No. 124: Limits obligations for non-administrative and capital programs to $509,500,000 instead of $519,000,000 as proposed by the House and $500,000,000 as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , *the strategic highway research program, the intelligent vehicle-highway systems program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 126: Restores House language exempting obligations under section 157 of title 23, United States Code from the limitation on obligations for Federal-aid highways and highway safety construction programs.

Amendment No. 127: Limits funds for Department of Transportation advisory committees to $800,000 as proposed by the House instead of $850,000 as proposed by the Senate.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

SEC. 325. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by February 14, 1992, enter into a full funding grant agreement with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) for the construction of the locally preferred alternative for the Westside Light Rail Project, including systems related costs, as defined in Public Law 101-516. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the city of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon and S.W. 185th Avenue.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 129: Conforms section number.

Amendment No. 130: Conforms section number.

Amendment No. 131: Restores House language making available not to exceed $2,000,000 for the planning of a multimodal transportation center in St. Louis, Missouri.

Amendment No. 132: Conforms section number.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice, effective as of or retroactive to October 1, 1991, for preliminary engineering and final design, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway Project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "328", insert: *331*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 135: Conforms section number.

Amendment No. 136: Conforms section number.

Amendment No. 137: Deletes Senate language that directs the Secretary of Transportation to prepare and implement a plan for providing slots at O'Hare International Airport to essential air service providers. The House bill contained no similar language.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "332", insert: *334*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 335. Notwithstanding any other provision of law, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2201, et seq.).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement permits the sale of the Atlantic City International Airport in Pomona, New Jersey.

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "334", insert: *336*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 141: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 337. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft that (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committees on Appropriations of the Senate and House of Representatives. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to prevent a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "336", insert: *338* and

In lieu of "et cet", insert: *et seq.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "337", insert: *339*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "338", insert: *340*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "339", insert: *341*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 146: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "340", insert: *342*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 343. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 1992, shall not apply toward such 350-mile limit".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "342", insert: *344*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "343", insert: *345*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "344", insert: *346*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 151: Delete Senate language that requires drug and alcohol testing in the transit industry.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 347. None of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate flight service stations (including changes in flight service station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 9-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516; 104 Stat. 2184). This section shall not apply to flight service stations in Laramie, Rawlins, and Rock Springs, Wyoming.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "347", insert: *348*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 349. (a) Section 9308(d) of Public Law 101-508 is amended by striking the word "This" at the beginning of the first sentence thereof and inserting in lieu thereof the following— "Except for Hawaiian operations described in and provided for in subsection (i), this".

"(b) Section 9308 of Public Law 101-508 is amended by adding a new subsection (i), to read as follows—

"(i) HAWAIIAN OPERATIONS.—

"(1)(A) An air carrier or foreign air carrier may not operate within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous States a greater number of State 2 aircraft having a maximum weight of more than 75,000 pounds than it operated within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous states on November 5, 1990.

"An air carrier that provided turnaround service within the State of Hawaii on November 5, 1990, using Stage 2 aircraft having a maximum weight of more than 75,000 pounds may include within the number of aircraft authorized under subparagraph (A) all such aircraft owned or leased by that carrier on such date, whether or not such aircraft were then operated by that carrier.

"(2) An air carrier may not provide turnaround service within the State of Hawaii using Stage 2 aircraft having a maximum weight of more than 75,000 pounds unless that carrier provided such service on November 5, 1990.

"(3) For the purpose of this subsection, 'turnaround service' means the operation of a flight between two or more points, all of which are within the State of Hawaii.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 155: Deletes Senate language that authorizes up to 40 other than full-time equivalent positions for the Volpe National Transportation Systems Center. The House bill contained no similar language.

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that modifies the requirements for use of unobligated funds for a highway grade crossing demonstration project in White River Junction, Vermont.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 351. (a) Notwithstanding any other law, the Secretary of Transportation shall construe all references in this Act to Title 23, the Urban Mass Transportation Assistance Act of 1964 as amended, and the Federal-Aid Highway Acts in a manner which continues to apply such references to the appropriate programs as may be authorized by a subsequent surface transportation assistance act.

(b) Section 329(a) of the Department of Transportation and Related Agencies Appropriations Act, 1988, Public Law 100-102, is amended by striking "and 1991" and inserting "1991, and 1992".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 158: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of Transportation, in consultation with the Secretary of Energy, to conduct a study of the potential costs and benefits of telecommuting to the energy and transportation sectors.

Amendment No. 159: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that permits vehicles in excess of 80,000 pounds gross weight to use interstate highways located in the State of Wyoming. The House bill contained no similar provision.

Amendment No. 160: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Commandant of the Coast Guard to reexamine policies of the United States regarding restricted use of certain ports of entry by ships of the Union of Soviet Socialist Republics. The House bill contained no similar provision.

Amendment No. 161: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that authorizes certain changes in a compact related to the establishment of a commission to study the feasibility of rapid rail transit service between certain states. The House bill contained no similar provision.

Amendment No. 162: Restores Title IV, "Aging Aircraft Safety Act of 1991" as proposed by the House. The Senate bill contained no similar language.

The conference agreement gives the Federal Aviation Administration discretion to establish the detailed requirements for inspection of aging aircraft, subject to the minimum levels of inspection required by the statutory provisions. In establishing these detailed requirements, the Administrator should take account of the causes of problems associated with aging. For example, as was pointed out in the House report that accompanied H.R. 172, the hours and cycles of aircraft operation may be more important than chronological age in determining the structural condition of an aircraft. This would be particularly the case if the aircraft has not been exposed to conditions causing corrosion during the hours in which it is not operating. These are factors which the Administrator should take into account in establishing inspection intervals for different categories of aircraft. To cite a specific example, the detailed regulations should take account of the fact that aircraft used for cargo operations generally operate fewer hours a day than aircraft used for passenger service.

Amendment No. 163: Inserts as Title V the "Omnibus Transportation Employee Testing Act of 1991" proposed by Senate. The House bill contained no similar language

The conferees are aware of concerns over the application of the requirements for random alcohol testing. The conferees believe that such testing can play an important part in enhancing safety. In developing regulations, the Department of Transportation is encouraged to require random alcohol testing to be performance-related; that is, related closely in time to an employee performing his or her job.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1992 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 amount, the 1992 budget estimates, and the House and Senate bills for 1992 follow:

New budget (obligational) authority, fiscal year 1991	$13,002,162,569
Budget estimates of new (obligational) authority, fiscal year 1992	15,110,123,569
House bill, fiscal year 1992	14,169,377,569
Senate bill, fiscal year 1992	14,439,382,569
Conference agreement, fiscal year 1992	14,301,797,569
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1991	+1,299,635,000
Budget estimates of new (obligational) authority, fiscal year 1992	−808,326,000
House bill, fiscal year 1992	+132,420,000
Senate bill, fiscal year 1992	−137,585,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	---	(81,500,000)	---	---	---	---
Immediate Office of the Secretary	1,215,000	1,435,000	1,435,000	1,435,000	1,435,000	+220,000
Immediate Office of the Deputy Secretary	412,000	573,000	550,000	550,000	550,000	+138,000
Office of the General Counsel	6,420,000	7,524,000	6,904,000	7,204,000	7,000,000	+580,000
Office of the Assistant Secretary for Policy and International Affairs	8,500,000	9,621,000	8,733,000	8,733,000	8,733,000	+233,000
Office of the Assistant Secretary for Budget and Programs	2,390,000	2,719,000	2,726,000	2,726,000	2,726,000	+336,000
Office of the Assistant Secretary for Governmental Affairs	2,255,000	2,468,000	2,320,000	2,468,000	2,320,000	+65,000
Office of the Assistant Secretary for Administration	26,745,000	45,396,000	30,262,000	30,262,000	30,262,000	+3,517,000
Office of the Assistant Secretary for Public Affairs	1,389,000	1,546,000	1,546,000	1,546,000	1,546,000	+157,000
Executive Secretariat	918,000	1,007,000	965,000	965,000	965,000	+47,000
Contract Appeals Board	508,000	590,000	590,000	590,000	590,000	+82,000
Office of Civil Rights	1,353,000	1,462,000	1,462,000	1,462,000	1,462,000	+109,000
Office of Essential Air Service	1,500,000	1,545,000	1,545,000	1,545,000	1,545,000	+45,000
Office of Small and Disadvantaged Business Utilization	3,465,000	3,527,000	3,527,000	3,527,000	3,527,000	+62,000
Office of Intelligence and Security	1,200,000	1,381,000	1,200,000	1,381,000	1,300,000	+100,000
Office of Drug Enforcement and Program Compliance	---	706,000	---	706,000	---	---
Subtotal, Salaries and expenses	58,270,000	81,500,000	63,765,000	65,100,000	63,961,000	+5,691,000
Transportation planning, research, and development	2,947,000	4,200,000	3,100,000	3,100,000	3,100,000	+153,000
Office of Commercial Space Transportation Operations and Research	3,386,000	4,804,000	4,245,000	4,300,000	4,275,000	+889,000
Working capital fund	(86,264,000)	(165,600,000)	(85,509,000)	(98,472,000)	(88,000,000)	(+1,736,000)
Payments to air carriers	26,600,000	---	---	---	---	-26,600,000
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	---	(38,600,000)	(38,600,000)	(38,600,000)	(38,600,000)	(+38,600,000)
(Limitation on obligations)	---	(38,600,000)	(38,600,000)	(38,600,000)	(38,600,000)	(+38,600,000)
Headquarters facilities	---	69,000,000	---	---	---	---
Rental payments	107,668,000	---	111,970,000	111,970,000	111,970,000	+4,302,000
Total, Office of the Secretary:						
New budget (obligational) authority	198,871,000	159,504,000	183,080,000	184,470,000	183,306,000	-15,565,000
(Limitations on obligations)	---	(38,600,000)	(38,600,000)	(38,600,000)	(38,600,000)	(+38,600,000)
Total	(198,871,000)	(198,104,000)	(221,680,000)	(223,070,000)	(221,906,000)	(+23,035,000)
Coast Guard						
Operating expenses	2,039,839,000	2,539,600,000	2,483,800,000	2,222,000,000	2,320,272,000	+280,433,000
Persian Gulf Regional Defense Fund	(18,922,000)	---	---	---	---	(-18,922,000)
(By transfer from DoD)	(295,000,000)	---	---	---	---	(-295,000,000)
Acquisition, construction, and improvements:						
(By transfer from DoD)	(5,000,000)	---	---	---	---	(-5,000,000)
Vessels	157,500,000	164,100,000	132,700,000	152,250,000	144,150,000	-13,350,000
Aircraft	90,010,000	64,100,000	86,950,000	58,900,000	60,350,000	-29,660,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Other equipment	15,000,000	48,800,000	50,331,000	47,025,000	48,750,000	+33,750,000
Shore and aids to navigation facilities	106,885,000	105,050,000	62,550,000	110,225,000	102,750,000	-4,135,000
Personnel, survey and design	36,936,000	40,928,000	32,500,000	39,070,000	34,000,000	-2,936,000
Undistributed	---	---	---	---	---	---
Subtotal, Acquisition, construction, and improvements	406,331,000	422,978,000	365,031,000	407,470,000	390,000,000	-16,331,000
Environmental compliance and restoration	21,500,000	25,100,000	21,500,000	25,100,000	21,500,000	---
Alteration of bridges	3,747,000	10,200,000	11,000,000	11,200,000	11,100,000	+7,353,000
Retired pay	451,800,000	487,700,000	487,700,000	487,700,000	487,700,000	+35,900,000
Reserve training	74,306,000	77,300,000	77,000,000	---	25,000,000	-49,306,000
Research, development, test, and evaluation	25,000,000	28,800,000	27,800,000	29,500,000	29,150,000	+4,150,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000	35,000,000	35,000,000	35,000,000	35,000,000	---
Total, Coast Guard: New budget (obligational) authority	3,057,523,000	3,626,678,000	3,508,831,000	3,217,970,000	3,319,722,000	+262,199,000
Federal Aviation Administration						
Operations	4,037,000,000	4,457,000,000	4,342,000,000	4,382,058,000	4,360,000,000	+323,000,000
Facilities and equipment (Airport and Airway Trust Fund)	2,095,407,000	2,700,000,000	2,469,500,000	2,557,807,000	2,394,000,000	+298,593,000
Research, engineering, and development (Airport and Airway Trust Fund)	205,000,000	210,000,000	218,000,000	225,120,000	218,135,000	+13,135,000
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,400,000,000)	(1,520,000,000)	(1,520,000,000)	(1,520,000,000)	(1,520,000,000)	(+120,000,000)
(Limitation on obligations)	(1,800,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(+100,000,000)
Rescission of contract authority	-200,000,000	---	---	---	---	+200,000,000
Aircraft purchase loan guarantee program	---	1,350,000	1,350,000	1,350,000	1,350,000	+1,350,000
Portion applied to debt reduction	---	-1,200,000	-1,200,000	-1,200,000	-1,200,000	-1,200,000
(Limitation on borrowing authority)	(9,970,000)	(9,970,000)	(9,970,000)	(9,970,000)	(9,970,000)	---
Total, Federal Aviation Administration: New budget (obligational) authority	6,137,407,000	7,367,150,000	7,029,650,000	7,165,135,000	6,972,285,000	+834,878,000
(Limitations on obligations)	(1,800,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(1,900,000,000)	(+100,000,000)
Total	(7,937,407,000)	(9,267,150,000)	(8,929,650,000)	(9,065,135,000)	(8,872,285,000)	(+934,878,000)
Federal Highway Administration						
(Limitation on general operating expenses)	(256,415,000)	(352,024,000)	(326,400,000)	(479,050,000)	(419,000,000)	(+162,585,000)
University transportation centers (Highway Trust Fund)	5,000,000	7,000,000	5,000,000	7,000,000	5,000,000	---
Highway safety research and development (Highway Trust Fund)	5,450,000	---	---	---	---	-5,450,000
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(10,000,000)	(20,000,000)	(10,000,000)	(20,000,000)	(20,000,000)	(+10,000,000)
(Limitation on obligations)	(10,000,000)	(35,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	---
Railroad-highway crossings demonstration projects	14,450,000	---	13,270,000	---	12,005,000	-2,445,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(14,500,000,000)	(15,722,000,000)	(16,200,000,000)	(17,092,610,000)	(16,800,000,000)	(+2,300,000,000)
(Liquidation of contract authorization)	(14,300,000,000)	(14,900,000,000)	(15,100,000,000)	(15,400,000,000)	(15,400,000,000)	(+1,100,000,000)
Right-of-way Revolving Fund (Highway Trust Fund):						
(Limitation on direct loans)	(42,500,000)	---	(70,000,000)	(42,500,000)	(42,500,000)	---
(Liquidation of contract authorization)	---	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(+40,000,000)
Motor carrier safety	40,000,000	---	48,417,000	---	47,600,000	+7,600,000
Motor carrier safety (Highway Trust Fund)	---	49,317,000	---	46,000,000	---	---

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(63,000,000)	(62,000,000)	(62,000,000)	(62,000,000)	(62,000,000)	(-1,000,000)
(Limitation on obligations)	(61,500,000)	(60,000,000)	(60,000,000)	(65,500,000)	(65,000,000)	(+3,500,000)
Baltimore-Washington Parkway (Highway Trust Fund)	8,415,000	---	22,000,000	---	19,800,000	+11,385,000
Intermodal urban demonstration project (Highway Trust Fund)	8,500,000	---	10,000,000	---	9,000,000	+500,000
Highway safety and economic development demonstration projects (Highway Trust Fund)	17,000,000	---	22,000,000	---	19,800,000	+2,800,000
Highway safety improvement demonstration project	7,650,000	---	18,700,000	---	16,350,000	+8,700,000
Highway-railroad grade crossing safety demonstration project (Highway Trust Fund)	6,800,000	---	5,000,000	---	4,500,000	-2,300,000
Highway widening demonstration project	1,700,000	---	2,000,000	---	1,800,000	+100,000
Highway widening and improvement demonstration project	3,400,000	---	8,000,000	---	7,200,000	+3,800,000
Intersection safety demonstration project	3,060,000	---	---	---	---	-3,060,000
Climbing lane and highway safety demonstration project	10,200,000	---	7,000,000	---	6,300,000	-3,900,000
Indiana industrial corridor safety demonstration project	2,550,000	---	4,000,000	---	3,600,000	+1,050,000
Highway capacity improvement demonstration project	1,700,000	---	---	---	---	-1,700,000
Alabama highway bypass demonstration project	8,500,000	---	10,000,000	---	9,000,000	+500,000
Kentucky bridge demonstration project	3,400,000	---	5,000,000	---	4,500,000	+1,100,000
Virginia HOV safety demonstration project	7,225,000	---	6,000,000	---	5,400,000	-1,825,000
Urban highway corridor and bicycle transportation demonstration projects	9,350,000	---	11,700,000	---	10,530,000	+1,180,000
Urban airport access safety demonstration project	9,350,000	---	10,000,000	---	9,000,000	-350,000
Pennsylvania reconstruction demonstration project	17,000,000	---	9,000,000	---	8,100,000	-8,900,000
Pennsylvania toll road demonstration project	5,100,000	---	2,000,000	---	1,800,000	-3,300,000
Highway bypass demonstration project	---	---	10,000,000	---	9,000,000	+9,000,000
Highway demonstration projects	71,365,000	---	137,280,000	168,050,000	249,146,000	+177,781,000
(By transfer)	---	---	(4,628,000)	---	(4,628,000)	(+4,628,000)
Highway Studies: Feasibility, Design, Environmental Engineering	48,293,000	---	---	23,485,000	18,448,000	-29,845,000
Corridor H improvement project	51,500,000	---	---	---	---	-51,500,000
Corridor G improvement program	33,275,000	---	---	165,000,000	148,500,000	+115,225,000
Corridor D improvement project	10,000,000	---	---	---	---	-10,000,000
Bypass construction project	42,500,000	---	---	---	---	-42,500,000
Corning bypass safety demonstration project	17,000,000	---	---	14,000,000	12,600,000	-4,400,000
Turquoise Trail project	4,684,000	---	---	3,000,000	2,700,000	-1,984,000
Trade enhancement demonstration project	10,625,000	---	---	---	---	-10,625,000
Ottumwa road extension project	8,500,000	---	---	8,000,000	7,200,000	-1,300,000
Iowa connector project	1,488,000	---	---	---	---	-1,488,000
Highway 20 realignment project	2,550,000	---	---	---	---	-2,550,000
Ramp relocation and reconstruction demonstration project	10,200,000	---	---	---	---	-10,200,000
U.S. 54 interchange project	9,265,000	---	---	---	---	-9,265,000
North Carolina connector project	---	---	---	6,000,000	4,800,000	+4,800,000
Total, Federal Highway Administration:						
New budget (obligational) authority	517,045,000	56,317,000	366,367,000	440,535,000	653,679,000	+136,634,000
(Limitations on obligations)	(14,571,500,000)	(15,817,000,000)	(16,270,000,000)	(17,168,110,000)	(16,875,000,000)	(+2,303,500,000)
Total	(15,088,545,000)	(15,873,317,000)	(16,636,367,000)	(17,608,645,000)	(17,528,679,000)	(+2,440,134,000)
National Highway Traffic Safety Administration						
Operations and research	76,347,000	---	75,995,000	---	78,528,000	+2,181,000
Operations and research (Highway Trust Fund)	42,366,000	127,207,000	42,357,000	121,986,000	44,172,000	+1,806,000
Subtotal, Operations and research	118,713,000	127,207,000	118,352,000	121,986,000	122,700,000	+3,987,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Highway traffic safety grants (Highway Trust Fund)						
(Liquidation of contract authorization)	(109,805,000)	(156,000,000)	(130,000,000)	(150,000,000)	(130,000,000)	(+20,195,000)
State and community highway safety grants:						
(Limitation on obligations)	(114,655,000)	(115,000,000)	(115,000,000)	(120,000,000)	(118,000,000)	(+3,345,000)
Safety bonus grants:						
(Limitation on obligations)	---	(50,000,000)	---	---	---	---
Alcohol safety incentive grants:						
(Limitation on obligations)	(19,980,000)	---	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000)
Safety belt and motorcycle helmet grants:						
(Limitation on obligations)	---	---	---	(20,000,000)	---	---
Education grants (Sec. 209):						
(Cumulative limitation on obligations)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	---
Total, National Highway Traffic Safety Administration:						
New budget (obligational) authority	118,713,000	127,207,000	118,352,000	121,986,000	122,700,000	+3,987,000
(Limitations on obligations)	(134,635,000)	(165,000,000)	(135,000,000)	(160,000,000)	(138,000,000)	(+3,365,000)
Total	(253,348,000)	(292,207,000)	(253,352,000)	(281,986,000)	(260,700,000)	(+7,352,000)
Federal Railroad Administration						
Office of the Administrator	14,433,000	18,218,000	16,077,000	16,962,000	16,442,000	+2,009,000
Local rail freight assistance	10,000,000	---	10,000,000	14,000,000	11,500,000	+1,500,000
Railroad safety	34,362,000	41,024,000	37,136,000	38,921,000	37,706,000	+3,344,000
Railroad research and development	22,147,000	26,298,000	14,713,000	10,526,000	22,331,000	+184,000
Magnetic Levitation Transportion (Highway Trust Fund):						
(Limitation on obligations)	---	---	---	(30,000,000)	---	---
(Liquidation of contract authorization)	---	---	---	(30,000,000)	---	---
Settlements of railroad litigation	3,362,000	---	---	---	---	-3,362,000
Portion applied to debt reduction	-3,097,000	---	---	---	---	+3,097,000
Northeast corridor improvement program	179,000,000	---	36,000,000	260,000,000	205,000,000	+26,000,000
Grants to the National Railroad Passenger Corporation:						
Operations	343,080,000	180,000,000	328,900,000	331,000,000	331,000,000	-12,080,000
Capital	132,000,000	150,000,000	175,000,000	180,000,000	175,000,000	+43,000,000
Total, Grants to the National Railroad Passenger Corporation	475,080,000	330,000,000	503,900,000	511,000,000	506,000,000	+30,920,000
Mandatory Passenger Rail Service Payments	150,000,000	150,000,000	145,000,000	145,000,000	145,000,000	-5,000,000
Railroad Rehabilitation and Improvement Financing Funds:						
(Railroad credit enhancement)	(32,000,000)	---	---	---	---	(-32,000,000)
Regional rail reorganization program	308,000	---	---	---	---	-308,000
Portion applied to debt reduction	-285,000	---	---	---	---	+285,000
Conrail commuter transition assistance	5,000,000	---	27,200,000	---	13,600,000	+8,600,000
Amtrak corridor improvement loans	3,500,000	---	3,500,000	---	3,500,000	---
(Loan authorization)	(3,500,000)	---	(3,500,000)	---	(3,500,000)	---
Total, Federal Railroad Administration	893,810,000	565,540,000	793,526,000	996,409,000	961,079,000	+67,269,000
Urban Mass Transportation Administration						
Administrative expenses	32,583,000	---	37,000,000	---	37,000,000	+4,417,000
Administrative expenses (Highway Trust Fund)	---	40,365,000	---	---	---	---
Research, training, and human resources	8,000,000	---	26,000,000	---	26,000,000	+18,000,000
Formula grants	1,605,000,000	---	1,600,000,000	990,000,000	1,520,000,000	-85,000,000

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Formula grants (Highway Trust Fund)	---	2,599,908,000	---	200,000,000	---	---
Formula grants (Trust Funded Programs):						
(Limitation on obligations)	---	---	---	(1,070,500,000)	---	---
Transit planning and research (Highway Trust Fund)	---	93,226,000	---	---	---	---
University transportation centers (Highway Trust Fund)	---	6,000,000	---	---	---	---
Discretionary grants (Highway Trust Fund):						
(Limitation on obligations)	(1,400,000,000)	(350,000,000)	(1,900,000,000)	(535,000,000)	(1,900,000,000)	(+500,000,000)
Discretionary grants	---	---	---	775,000,000	---	---
Mass transit capital fund (Highway Trust Fund)						
(Liquidation of contract authorization)	(900,000,000)	(1,100,000,000)	(1,400,000,000)	(1,500,000,000)	(1,500,000,000)	(+600,000,000)
Interstate transfer grants - transit	160,000,000	---	160,000,000	---	160,000,000	---
Interstate transfer grants - transit (Highway Trust Fund)	---	160,000,000	---	---	---	---
Washington Metro	64,100,000	80,000,000	124,000,000	124,000,000	124,000,000	+59,900,000
Total, Urban Mass Transportation Administration:						
New budget (obligational) authority	1,869,683,000	2,979,499,000	1,947,000,000	2,089,000,000	1,867,000,000	-2,683,000
(Limitations on obligations)	(1,400,000,000)	(350,000,000)	(1,900,000,000)	(1,605,500,000)	(1,900,000,000)	(+500,000,000)
Total	(3,269,683,000)	(3,329,499,000)	(3,847,000,000)	(3,694,500,000)	(3,767,000,000)	(+497,317,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,250,000	10,800,000	10,600,000	10,550,000	10,550,000	+300,000
Research and Special Programs Administration						
Hazardous materials safety	---	---	---	12,301,000	12,000,000	+12,000,000
Offsetting collections (HAZMAT fees)	---	---	---	-1,900,000	-1,900,000	-1,900,000
Aviation information management	---	---	---	2,495,000	2,495,000	+2,495,000
Emergency transportation	---	---	---	944,000	927,000	+927,000
Research and technology	---	---	---	1,868,000	1,516,000	+1,516,000
Program and administrative support	---	---	---	5,606,000	5,428,000	+5,428,000
Research and special programs	15,833,000	23,912,000	21,582,000	---	---	-15,833,000
Pipeline safety (Pipeline Safety Fund)	11,042,000	13,953,000	13,472,000	13,553,000	13,553,000	+2,511,000
Total, Research and Special Programs Administration	26,875,000	37,865,000	35,054,000	34,867,000	34,019,000	+7,144,000
Office of the Inspector General						
Salaries and expenses	31,875,000	38,668,000	37,005,000	36,518,000	37,005,000	+5,130,000
Total, title I, Department of Transportation:						
New budget (obligational) authority (net)	12,862,052,000	14,969,228,000	14,029,465,000	14,297,440,000	14,161,345,000	+1,299,293,000
Appropriations	(13,065,434,000)	(14,970,428,000)	(14,030,665,000)	(14,298,640,000)	(14,162,545,000)	(+1,097,111,000)
Appropriations for debt reduction	(-3,382,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(+2,182,000)
Rescission	(-200,000,000)	---	---	---	---	(+200,000,000)
(By transfer)	(300,000,000)	---	(4,628,000)	---	(4,628,000)	(-295,372,000)
(Limitations on general operating expenses)	(256,415,000)	(352,024,000)	(326,400,000)	(479,050,000)	(419,000,000)	(+162,585,000)
(Limitations on obligations)	(17,906,135,000)	(18,270,600,000)	(20,243,600,000)	(20,902,210,000)	(20,851,600,000)	(+2,945,465,000)
(Liquidation of contract authorization)	(16,782,805,000)	(17,836,600,000)	(18,300,600,000)	(18,760,600,000)	(18,710,600,000)	(+1,927,795,000)
(Cumulative limitation on obligations)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	---
(Limitation on working capital fund)	(86,264,000)	(165,600,000)	(85,509,000)	(98,472,000)	(88,000,000)	(+1,736,000)
(Limitations on direct loans)	(42,500,000)	---	(70,000,000)	(42,500,000)	(42,500,000)	---
(Railroad credit enhancement)	(32,000,000)	---	---	---	---	(-32,000,000)

	FY 1991 Enacted	FY 1992 Estimates	House	Senate	Conference	Conference compared with Enacted
Total, title I. New budget (obligational) authority and (limitations on obligations)....	(30,768,187,000)	(33,239,828,000)	(34,273,065,000)	(35,199,650,000)	(35,012,945,000)	(+4,244,758,000)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses.....	2,700,000	2,980,000	2,900,000	2,980,000	2,940,000	+240,000
National Transportation Safety Board						
Salaries and expenses.....	31,470,000	34,176,000	34,176,000	35,676,000	34,676,000	+3,206,000
Interstate Commerce Commission						
Salaries and expenses.....	43,777,000	41,373,000	40,923,000	41,373,000	40,923,000	-2,854,000
Payments for directed rail service (limitation on obligations).....	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	---
Total, Interstate Commerce Commission.....	(44,252,000)	(41,848,000)	(41,398,000)	(41,848,000)	(41,398,000)	(-2,854,000)
Panama Canal Commission						
Panama Canal Revolving Fund:						
(Administrative expenses).....	(48,928,000)	(49,503,000)	(49,497,000)	(49,497,000)	(49,497,000)	(+569,000)
(Limitation on operating and capital expenses)....	(519,000,000)	(461,318,000)	(519,000,000)	(500,000,000)	(509,500,000)	(-9,500,000)
Department of the Treasury						
Rebate of Saint Lawrence Seaway Tolls (Harbor Maintenance Trust Fund).....	10,500,000	10,703,000	10,250,000	10,250,000	10,250,000	-250,000
Washington Metropolitan Area Transit Authority						
Interest payments.....	51,663,569	51,663,569	51,663,569	51,663,569	51,663,569	---
Total, title II, Related Agencies:						
New budget (obligational) authority.....	140,110,569	140,895,569	139,912,569	141,942,569	140,452,569	+342,000
(Limitation on obligations).....	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	---
Total.....	(140,585,569)	(141,370,569)	(140,387,569)	(142,417,569)	(140,927,569)	(+342,000)
Grand total:						
New budget (obligational) authority (net)...	13,002,162,569	15,110,123,569	14,169,377,569	14,439,382,569	14,301,797,569	+1,299,635,000
Appropriations.....	(13,205,544,569)	(15,111,323,569)	(14,170,577,569)	(14,440,582,569)	(14,302,997,569)	(+1,097,453,000)
Appropriations for debt reduction.....	(-3,382,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(-1,200,000)	(+2,182,000)
(By transfer).....	(300,000,000)	---	(4,628,000)	---	(4,628,000)	(-295,372,000)
(Limitations on general operating expenses).	(256,415,000)	(352,024,000)	(326,400,000)	(479,050,000)	(419,000,000)	(+162,585,000)
(Limitations on obligations).....	(17,906,610,000)	(18,271,075,000)	(20,244,075,000)	(20,902,685,000)	(20,852,075,000)	(+2,945,465,000)
(Cumulative limitation on obligations).....	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	---
(Limitation on working capital fund).....	(86,264,000)	(165,600,000)	(85,509,000)	(98,472,000)	(88,000,000)	(+1,736,000)
(Limitations on direct loans).....	(42,500,000)	---	(70,000,000)	(42,500,000)	(42,500,000)	---
(Appropriations to liquidate contract authorizations).....	(16,782,805,000)	(17,836,600,000)	(18,300,600,000)	(18,760,600,000)	(18,710,600,000)	(+1,927,795,000)
Grand total, New budget (obligational) authority and (limitations on obligations)....	(30,908,772,569)	(33,381,198,569)	(34,413,452,569)	(35,342,067,569)	(35,153,872,569)	(+4,245,100,000)

WILLIAM LEHMAN,
BOB CARR,
RICHARD J. DURBIN,
MARTIN OLAV SABO,
DAVID E. PRICE,
WILLIAM H. NATCHER,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
FRANK R. WOLF,
TOM DELAY,
JOSEPH M. MCDADE,
Managers on the Part of the House.

FRANK R. LAUTENBERG,
ROBERT C. BYRD,
TOM HARKIN,
JIM SASSER,
B.A. MIKULSKI,
ALFONSE M. D'AMATO,
ROBERT KASTEN,
PETE V. DOMENICI,
MARK O. HATFIELD,
Managers of the Part on the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today through October 11.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BACCHUS, for 60 minutes, today.

Mr. BONIOR, for 60 minutes, on October 10.

(The following Member (at the request of Mr. BACCHUS) to revise and extend her remarks and include extraneous material:)

Mrs. MINK, for 60 minutes, on October 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. MACHTLEY.

Mr. BROOMFIELD.

The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:

Mr. ANDERSON, in 10 instances.

Mr. GONZALEZ, in 10 instances.

Mr. BROWN, in 10 instances.

Mr. ANNUNZIO, in six instances.

Mr. ROE.

Mr. MORAN.

Mr. PENNY.

Mr. DONNELLY.

Mr. HAMILTON.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1415. An act to provide for additional membership on the Library of Congress Trust Fund Board, and for other purposes; to the Committee on House Administration.

S. 1563. An act to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 184. Joint resolution designating the month of November 1991, as "National Accessible Housing Month"; to the Committee on Post Office and Civil Service.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

On October 4, 1991:

H.R. 2935. An act to designate the building located at 6600 Lorain Avenue in Cleveland, Ohio, as the "Patrick J. Patton United States Post Office Building," and

H.J. Res. 305. Joint resolution to designate the month of October 1991, as "Country Music Month."

ADJOURNMENT

Mr. BACCHUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 8, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2173. A letter from the Comptroller General, the General Accounting Office, transmitting a report of a deferral of budget authority in the Department of Veterans Affairs major construction appropriation, pursuant to 2 U.S.C. 686(a) (H. Doc. No. 102–145); to the Committee on Appropriations and ordered to be printed.

2174. A letter from the Secretary of the Army, transmitting his determination that the current procurement unit cost baseline has been exceeded by 25 percent or more for the Multiple Launch Rocket System, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2175. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the initial report on missile proliferation, pursuant to Public Law 101–510, section 1704; to the Committee on Armed Services.

2176. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Czech and Slovak Federative Republic, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2177. A letter from the Secretary of Housing and Urban Development, transmitting a report on the effects of rent control on low-income and homeless individuals, pursuant to Public Law 100–628, section 483(a); to the Committee on Banking, Finance and Urban Affairs.

2178. A letter from the Secretary of Education, transmitting a notice of final funding priorities for fiscal year 1992—National Assessment of Educational Progress Data Reporting Program, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

2179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report on the extent to which significant progress has been made toward ending apartheid in South Africa, pursuant to 22 U.S.C. 5091(b); to the Committee on Foreign Affairs.

2180. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Michael G. Kozak, of Virginia, to be Ambassador to the Republic of El Salvador, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2181. A letter from the Director, Office of Management and Budget, transmitting as report for pay-as-you-go calculations for Public Law 102–110, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

2182. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2183. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning the establishment of an international criminal court, pursuant to Public Law 101–513, section 599E(c) (104 Stat. 2067); jointly, to the Committees on Appropriations and Foreign Affairs.

2184. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act of 1974 to clarify the conditions of entitlement to certain annuity amounts and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 3, 1991, the following reports were filed on October 4, 1991]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes; with amendments (Rept. 102–157, Pt. 3). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally establish limits on the amounts of deposit insurance, and for other purposes; with amendments (Rept. 102–157, Pt. 4). Ordered to be printed.

[Submitted October 7, 1991]

Mr. BROOKS: Committee on the Judiciary. H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes; with amendments (Rept. 102–157, Pt. 5). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. Supplemental report on H.R. 6 (Rept. 102–157, Pt. 6). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3033. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes; with an amendment (Rept. 102–240). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2637. A bill to withdraw lands for the waste isolation pilot plant, and for other purposes; with amendments (Rept. 102–241, Pt. 1). Ordered to be printed.

Mr. LEHMAN of Florida: Committee of Conference. Conference report on H.R. 2942 (Rept. 102–243). Ordered to be printed.

SUBSEQUENT ACTION ON BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X:

[Submitted October 4, 1991]

H.R. 6. Referral to the Committee on the Judiciary extended for a period ending not later than October 7, 1991.

H.R. 3300. Referral to the Committee on Banking, Finance and Urban Affairs extended for a period ending not later than October 8, 1991.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 3371. A bill to control and prevent crime; with an amendment; referred to the Committees on Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Merchant Marine and Fisheries, Public Works and Transportation, and Ways and Means for a period ending not later than October 9, 1991 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1, rule X, respectively (Rept. 102–242, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILLIAMS (for himself, Mr. AUCOIN, Mr. CONYERS, Mr. ECKART, Mr. KOSTMAYER, Mr. PERKINS, Mr. SIKORSKI, and Mr. VENTO):

H.R. 3511. A bill to provide extended unemployment benefits during periods of high unemployment to railroad employees who have less than 10 years of service; to the Committee on Energy and Commerce.

By Mr. LEACH:

H.J. Res. 344. Joint resolution to encourage the negotiation of a multilateral regime, under the aegis of the U.S. Security Council, to control, and halt if possible, the proliferation of weapons of mass destruction and delivery systems associated with such weapons; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. TAYLOR of North Carolina.

H.R. 461: Mr. REED, Mr. SMITH of Texas, Mr. BENNETT, Mr. TAYLOR of North Carolina, Mr. HAYES of Louisiana, Mr. GILCHREST, Mr. LUKEN, Mr. PALLONE, and Mr. TRAFICANT.

H.R. 645: Mr. TOWNS.

H.R. 784: Mr. NUSSLE, Mr. ACKERMAN, Mr. ALLARD, Mr. BORSKI, Mr. MARLENEE, Mr. PARKER, Mr. ARMEY, and Mr. ROGERS.

H.R. 853: Mr. BUSTAMANTE.

H.R. 1130: Mr. ROWLAND, Mrs. PATTERSON, Mr. DELLUMS, Mr. PALLONE, and Ms. LONG.

H.R. 1300: Mr. FLAKE.

H.R. 1445. Mr. JEFFERSON.

H.R. 1472: Mr. KASICH, Mr. MAVROULES, Ms. MOLINARI, and Mr. POSHARD.

H.R. 1524: Mr. SERRANO.

H.R. 1556: Mr. CONDIT.

H.R. 1860: Mr. SCHEUER and Mr. RAHALL.

H.R. 2083: Mr. FAWELL and Mr. SIKORSKI.

H.R. 2342: Mr. SHAYS.

H.R. 2675: Mrs. MORELLA.

H.R. 2872: Mr. MCCRERY.

H.R. 2889: Mr. KOLTER, Mr. JOHNSON of South Dakota, Mr. CAMPBELL of Colorado, Mr. HUGHES, Mr. TAYLOR of Mississippi, Mr. OWENS of New York, Mr. JONTZ, Mrs. LLOYD, Mr. KILDEE, Mr. MCCLOSKEY, and Mr. LANCASTER.

H.R. 2898: Mr. MANTON.

H.R. 2966: Mr. MCEWEN, Mr. TRAFICANT, Ms. KAPTUR, Mr. FRANKS of Connecticut, Mr. TRAXLER, and Mr. MINETA.

H.R. 3048: Mr. SCHEUER.

H.R. 3209: Mr. JONTZ, Mr. DE LUGO, Mr. BLAZ, Mr. NEAL of Massachusetts, and Mr. RANGEL.

H.R. 3371: Mr. MAZZOLI, Mr. HUGHES, Mr. SYNAR, Mr. FEIGHAN, Mr. BERMAN, Mr. BRYANT, Mr. HOAGLAND, and Mr. LEVINE of California.

H.R. 3461: Mr. TOWNS, Mrs. JOHNSON of Connecticut, Mr. WEISS, Mr. CRAMER, Mr. SERRANO, and Mr. ROE.

H.J. Res. 123: Mr. KILDEE, Mr. DINGELL, Mr. RUSSO, Mr. NOWAK, and Mr. KOLTER.

H.J. Res. 228: Mr. KLECZKA, Mr. KLUG, Mr. JOHNSTON of Florida, Mr. OLVER, Mr. EWING, Ms. HORN, Mr. BORSKI, Mrs. BYRON, Mr. GALLO, Mr. HOCHBRUECKNER, Mr. ATKINS, Mr. MCHUGH, Mr. PETRI, Mr. LAROCCO, Mr. FAZIO, Mr. YOUNG of Florida, Mr. FEIGHAN, Ms. WATERS, Ms. SLAUGHTER of New York, Mr. ZIMMER, Mr. CONYERS, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. GUNDERSON, Mr. VANDER JAGT, Mr. ARCHER, Mr. LANTOS, Mr. BROWDER, Mr. MACHTLEY, Mr. SHAYS, Mr. ANNUNZIO, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. RINALDO, Mr. SLATTERY, Mr. SANDERS, Mr. DE LUGO, and Mr. NOWAK,

H.J. Res. 238: Mr. MCMILLAN of North Carolina, Mr. ORTON, Mr. GORDON, Mr. ASPIN, Mr. FISH, Ms. OAKAR, Mr. ROE, Mrs. MORELLA, Mr. HYDE, Mr. LIPINSKI, Mr. PRICE, Mr. THOMAS of Wyoming, Mr. ENGEL, Mr. ROTH, Mr. EMERSON, Mr. HUGHES, Mr. MARTINEZ, Mr. FASCELL, Mr. JONTZ, Mr. SMITH of Oregon, and Mr. JEFFERSON.

H.J. Res. 260: Ms. SLAUGHTER of New York, Mr. PAYNE of Virginia, Mr. MOAKLEY, Mr. WASHINGTON, Mr. BURTON of Indiana, Mr. CONYERS, Mr. DICKS, Mr. DONNELLY, Mr. HEFNER, Mr. HOUGHTON, Mr. LEVIN of Michigan, Ms. LONG, Mr. SMITH of New Jersey, Mr. MARTIN, Mrs. KENNELLY, Mr. HAMMERSCHMIDT, Mr. PARKER, Mr. RITTER, Mrs. ROUKEMA, Mr. SCHUMER, Mr. TANNER, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Mr. WISE, Mr. WYLIE, Mr. YATRON, Mr. WOLPE, Mr. SMITH of Florida, Mr. ROSE, Mr. GREEN of New York, Mr. MCCLOSKEY, Mr. DARDEN, Mr. KILDEE, Mr. TAUZIN, Mr. VALENTINE, Mr. FRANK of Massachusetts, Mr. DE LA GARZA, Mr. SAWYER, Mr. LENT, Mr. OWENS of New York, Mr. GILMAN, Mr. BOEHLERT, Mr. PAYNE of New Jersey, Mr. PAXON, Mr. NOWAK, Mr. SOLOMON, Mr. OWENS of Utah, Mr. BOUCHER, Ms. DELAURO, Mr. SLAUGHTER OF VIRGINIA, Mr. WHEAT, Mr. DURBIN, Mr. ROEMER, Mr. HOAGLAND, Mr. GEREN of Texas, Mr. HUBBARD, Mr. WILSON, Mr. MONTGOMERY, Mr. BROWDER, Mr. SPRATT, Mr. RICHARDSON, Mr. JONES of Georgia, Mr. BORSKI, Mr. HATCHER, Mr. BROWN, Mr. BLILEY, Mr. HOCHBRUECKNER, Mr. KANJORSKI, Mr. MCHUGH, Mr. FLAKE, Mr. MAZZOLI, Mr. LAROCCO, Mr. COSTELLO, Mr. BACCHUS, Mr. ANDREWS of Maine, Mr. DINGELL, Mr. JOHNSTON of Florida, Mr. ANDERSON, Mr. AUCOIN, Mr. BATEMAN, Mr. BERMAN, Mr. DELLUMS, Mr. EVANS, Mr. ANDREWS of New Jersey, Mr. KOSTMAYER, Mr. MCCRERY, Mr. MARKEY, Mr. MORAN, Mr. RAVENEL, Mr. FRANKS of Connecticut, Mr. SUNDQUIST, Mrs. VUCANOVICH, Mr. LAUGHLIN, Mr. COLEMAN of Texas, Mr. COOPER, Mr. SAXTON, Mr. NATCHER, Mrs. COLLINS of Illinois, Mr. WYDEN, Mr. SARPALIUS, Mr. SLATTERY, Mr. CAMPBELL of Colorado, Mr. OLIN, Mr. SWETT, Mr. PETERSON of Florida, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. COX of California, Mr. MILLER of Washington, Mr. HOBSON, Mr. RIGGS, Mr. CUNNINGHAM, Mr. ROYBAL, Mr. NAGLE, and Mr. BUNNING.

H.J. Res. 326: Mr. COX of California, Mr. WALSH, Mr. PORTER, Mr. ROHRABACHER, Mr. KOPETSKI, Mr. CLEMENT, Mr. DIXON, Mr. DWYER of New Jersey, Mr. FORD of Michigan, Mr. JONTZ, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. RANGEL, Mr. REED, Mr. SMITH of Florida, Mr. VENTO, Mr. DICKINSON, Mr. SMITH of Texas, Mr. KLUG, Mr. BORSKI, and Mr. SCHUMER.

H. Con. Res. 211: Mr. STALLINGS, Mr. TRAFICANT, Mr. MAVROULES, Mr. DURBIN, Mrs. SCHROEDER, Mr. DELLUMS, Mr. GORDON, Mr. PALLONE, and Mrs. BYRON.

H. Res. 152: Mr. BATEMAN and Mr. NICHOLS.

EXTENSIONS OF REMARKS

GEORGE RUSSELL, FINE PUBLIC SERVANT AND GOOD FRIEND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. BROOMFIELD. Mr. Speaker, I was saddened to hear that George Russell passed away last Friday night.

George served his Nation and his Government for more than 42 years, first in the military and then in civilian life. We were fortunate to have him with us right here on the dais for 17 years.

I would like to extend my condolences to his wife, Helen, and to his daughter, Diane Tolbert, who also serves in the House with us, as a staffer in the office of TIM VALENTINE.

George was a good friend and a fine public servant. I will miss him.

REMARKS OF DR. HOWARD MORGAN ON HEART DISEASE RESEARCH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. GEKAS. Mr. Speaker, I would like to share with my colleagues remarks made by Dr. Howard Morgan, of the Geisinger Clinic in Danville, PA. Dr. Morgan discussed research he has done on heart disease at a recent meeting of the Congressional Biomedical Research Caucus.

The remarks of Dr. Morgan follow:

REMARKS OF DR. HOWARD MORGAN

Thank you Congressman Gekas. It is a pleasure and honor to be asked to talk with you today in regard to an important and life-threatening condition, congestive heart failure. The Congressional Biomedical Research Caucus provides me the opportunity to describe recent advances in our understanding of the mechanisms that lead to heart failure and new approaches to its treatment. My perspective is that of a biochemist and physiologist who has lived and worked in Congressman Gekas' district for the past 25 years. I have had a leadership role in founding two biomedical research programs in the 17th Congressional district of Pennsylvania. The first was the Milton Hershey Medical Center where I was the first Professor and Chairman of Physiology from 1966 to 1987, and the second is the Sigfried and Janet Weis Center for Research at Geisinger Clinic where I am Director of Research. As indicated by the names of these institutions, philanthropy by forward-looking and generous citizens of the district were vital to the founding of these institutions. Support by the National Institutes of Health, however, is vital to the operation of the research programs of the Weis Center in which 25 scientists are conducting research in basic cardiovascular biology at the cellular and molecular levels. The Weis Center is unique in that it is a basic research center set in a rural area and part of a regional health care system that serves a primarily rural population. In addition to its research mission, a key function of the Weis Center is to aid in the training of medical residents and fellows, many of whom will practice in rural America. In this context, the Weis Center and Geisinger are responding to Congressional plans to increase the available resources and improve access to health care services in communities in rural America.

Congestive heart failure is a major and increasing public health problem. Congestive heart failure is a syndrome characterized by poor function of the left ventricle, reduced exercise tolerance, progressively declining quality of life and markedly shortened life expectancy. About 2 million patients in the United States have congestive heart failure and the numbers are predicted to increase in the years ahead. The one year mortality ranges from 15% in all patients with heart failure to 50% in those with the poorest ventricular function. About 35% of all patients with congestive heart failure are hospitalized each year.

The disease history of patients with congestive heart failure reveals that approximately 70% have ischemic heart disease due to arteriosclerosis of the coronary arteries, approximately ⅔ have had a heart attack that resulted in death of a portion of the heart muscle, and formation of scar, about 40% have hypertension, 25% have diabetes and 18% have a dilated poorly functioning heart of unknown cause. In recent years, drugs that dilate the small arteries and veins, so-called vasodilator drugs, have been widely used as an adjunct to treatment with digitalis and diuretics. The vasodilator drugs reduce the work of the heart and improve exercise tolerance.

About 6 weeks ago, two large clinical trials that were supported by the National Heart, Lung and Blood Institute and the Veterans Administration, and involved almost 3,400 patients with heart failure were reported in the New England Journal of Medicine. One trial named "Studies of Left Ventricular Dysfunction" and referred to by the acronym, SOLVD, was designed to determine whether treatment with an inhibitor of angiotensin formation would reduce mortality. The other trial called the "Vasodilator-Heart Failure Trial II" was designed to determine whether the angiotensin blocker was better than other vasodilators. Angiotensin is a hormone that is produced in the body and causes small arteries and veins to contract, increases blood pressure, and raises the work of the heart. When angiotensin formation is blocked, these vessels dilate and work of the heart is reduced. Treatment with an inhibitor of angiotensin formation called enalapril, reduces mortality by 16% and deaths and hospitalization for worsening heart failure by 26%, and was more effective than earlier vasodilator therapy. Dr. Claude Lenfant, Director of the National Heart, Lung and Blood Institute, has estimated that routine use of an inhibitor of angiotensin formation could prevent between 10,000 and 20,000 deaths annually in the U.S. and about 100,000 hospitalizations. On the basis of these results, vasoldilators can now be considered one of the three cornerstones of drug treatment of heart failure, the others are digitalis which increases the force of heart action, and diuretics which reduce the salt and fluid retention.

Enalapril, the inhibitor of angiotensin formation, probably is more effective than nonspecific vasodilators because the drug blocks angiotensin formation in the walls of arteries, including the coronary arteries, and slows growth of the heart that is severely overloaded. Following a heart attack that results in death of heart muscle, the onset of congestive heart failure may be prevented by growth of the remaining normal heart muscle. Similarly, in patients with hypertension, the heart grows to compensate for the increased work load placed upon it. If this situation is compared to excise of a skeletal muscle, the overloaded heart gets more exercise and enlarges in the same manner as an arm or leg muscle that is exercised. This process is called hypertrophy which means that each heart muscle cell gets larger, but the cells do not divide.

Although, the enlarged heart may be able to deal more effectively with severe overload. The size of the heart, and particularly the left ventricle, turned out to be the single most potent determinant for cardiovascular disease, with the exception of age, in the Framingham Heart Study. The mortality from cardiovascular disease was 4.8 times higher in men and 3.0 times higher in women with left ventricular hypertrophy than in those without. As a result, prevention of severe overload and the resulting hypertrophy by effective treatment of hypertension and vasodilator therapy in patients with even mild degrees of congestive heart failure is a much better strategy.

The laboratories of Dr. Kenneth Baker and my own at the Weis Center are actively studying the effects of angiotensin on the heart. Dr. Baker's laboratory found that angiotensin stimulates growth of isolated heart muscle cells in tissue culture. These findings indicate that angiotensin directly affects growth independent of any effects on blood pressure or heart work. Infusion of angiotensin into rats increased heart weight by approximately 20% after 1 or 2 weeks of treatment. Treatment of the rats with angiotensin and a non-specific vasodilator to prevent any rise in blood pressure, did not block the effect of angiotensin to increase heart size. In other experiments, Dr. Baker found that enalapril, the inhibitor of angiotensin formation, would prevent hypertrophy of the heart in rats that had elevated blood pressure secondary to narrowing of the aorta. My laboratory found that treatment of newborn pigs with enalapril would block the rapid growth of the left ventricle that occurs in the first days of life due to a markedly increased load on the heart at birth. Overall, treatment of patients with congestive heart failure with inhibitors of angiotensin formation results in vasodilation of both arteries and veins, and reduces blood pressure. With reduced

angiotensin formation, hypertrophy of the heart is restrained and the risk of cardiovascular mortality is reduced.

Because cardiac hypertrophy has such a negative prognostic implication on cardiovascular disease and mortality, control of growth of cardiac muscle cells is a major research focus of several other laboratories at the Weis Center. In order for the heart to hypertrophy, increased work of the heart and hormones such as angiotensin must generate signalling chemicals within the cells that accelerate growth. These chemicals activate the genes responsible for coding for the components of the major site of production of heart proteins, a part of the cell called a ribosome. Dr. Lawrence Rothblum has cloned the genes responsible for a protein known as a transcription factor that regulates ribosome formation. Greater amounts of the transcription factor are present in cardiac muscle cells that are contracting vigorously and growing. Work in my laboratory and the laboratories of Dr. Kenneth Baker and Dr. Harold Singer is focussed on the identifying the intracellular signals, such as increased calcium, cyclic AMP and diacylglycerol that link increased work of the heart to growth. Dr. Peter Watson and Dr. John Krupinski have shown that cells that are increased in size by swelling have increased formation of cyclic AMP, and their findings suggests a direct link between stretching of the wall of the heart, increased heart work and hypertrophy. Ultimately, an understanding of the events that link increased heart work to growth of heart cells may offer new targets for drugs that will improve our ability to control hypertrophy of the heart, and will delay the onset and progression of congestive heart failure.

In conclusion, congestive heart failure is a progressive and debilitating condition encountered by 2 million Americans that decrease the quality of life and duration. Recently, treatment with inhibitors of angiotensin formation that reduce the work load on the heart and cardiac hypertrophy were shown to decrease mortality and severity of heart failure. Ultimately, however, prevention of congestive heart failure depends on prevention and treatment of coronary artery arteriosclerosis and hypertension because these conditions lead to heart damage and hypertrophy, the precursors of heart failure.

LOCAL OFFICIALS PLAY ROLE IN THWARTING SOVIET COUP

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. MORAN. Mr. Speaker, as a former mayor, I was heartened to learn that local city officials across the Soviet Union played a key role in the resistance against the August coup attempt. In the September 2 issue of Nation's Cities Weekly, a publication of the the National League of Cities, Los Angeles City Council member Zev Yaroslavsky recognizes the courageous behind-the-scenes efforts of municipal officials.

Yaroslavsky participated recently in a local government reform program sponsored by the National Democratic Institute for International Affairs [NDI]. Last year, NDI identified democratic reformers in many of the Soviet Union's largest cities and created a program to assist the economic and political transformation underway by local governments. Yaroslavsky's article describes his participation in an April seminar that focused on democratic government and municipal finance. He plans to return to Moscow in October for extended consultations with council members there.

I want to share with my colleagues this article and commend the Soviet elected officials as they seek to establish democratic systems at the local level.

LOCAL OFFICIALS' KEY ROLE IN ABORTING COUP

(By Zev Yaroslavsky)

American television audiences have become familiar with the names and faces of the courageous Russian Republic President Boris Yeltsin, the Soviet Presidential Mikhail Gorbachev, and even those of the plotters of the coup in the Soviet Union. Yet it was members of the local governments who played a largely unnoticed but critical role in preventing a return to totalitarianism.

In the cities of Moscow and Leningrad, it was the Mayors, Gavriil Popov and Anatoly Sobchak, their deputies and council members who called the people out to man the barricades, and coordinated the flow of information to and from the Russian parliament where Yeltsin was headquartered. It was from the rooms of the Moscow City Council on Tverskaya Street that word went out to local councils across Russia to deny the legitimacy of the coup against Gorbachev.

I know many of the local officials who participated in this movement. As a representative of the Washington-based National Democratic Institute for International Affairs (NDI), which has been conducting a municipal reform program in the Soviet Union since August 1990, I travelled to Moscow and Leningrad last May. Together with 15 colleagues, I led a series of training workshops for 150 city council members and administrators from Russia, Belorussia, Moldavia, the Ukraine and the Baltics on issues ranging from the separation of powers in democratic local governments to technical questions of municipal budgeting and finance.

This was the second of NDI's large-scale training seminars. The first meeting was held in Moscow in December 1990. The Institute's international experts have included mayors, city council members, administrators and city managers from the United States, Poland, Great Britain, Sweden, Germany and the Netherlands.

Former Vice President Mondale led the first bipartisan delegation. My colleagues in this process have included Mayors Tom Volgy, George Latimer and Joseph Riley, and New York Councilwoman Ronnie Eldridge as well as the Klaus von Dohnanyi, the former Mayor-Governor of Hamburg, Germany, and Jerzy Regulski, Poland's Under Secretary of State for Local Government Reform.

In its selection of American trainers, NDI benefitted from the advice of the National League of Cities. To my knowledge, the NDI program is the most systematic and broad-based training program for local officials in the Soviet Union. Its work has already given rise to the Association of Russian cities. The Institute also translates materials into Russian and can provide orientation sessions for Soviet city council members visiting U.S. municipalities.

Three distinctive features of Soviet local governments have struck me. Since the elections of spring 1990, the leading democratic reformers like Mayor Sobchak in Leningrad and deputy mayor Sergei Stankevich in Moscow have been nationally known politicians, with seats in parliament, who have chosen to focus their efforts on municipal reform and decentralization.

Municipal reform is a complicated task. Soviet cities have an overwhelming number of responsibilities: they run industrial enterprises, for example. They are major industrial and residential property owners. They are involved in the distribution and subsidizing of food. In short, they perform many of the functions that our private sector and even our national government normally perform.

Yet, the newly elected city council members who must address city concerns in a period of economic instability have little experience of management, few technical skills and virtually no understanding of democratic government. Historically, the municipalities have been run by Communist Party bureaucrats. When I was there in May, in fact, I found all political institutions in disarray. The Communists had ensured that local councils were, in the words of Mayor Sobchak "ornaments or facades which voted the way they are told."

Without much experience and in a period of profound political turmoil, the city council members are struggling with fundamental questions: how to divide powers between executive and legislative branches of governments; what powers to assume at the local level and what powers to reserve at the republic or even national level and how to develop a political system capable of making decisions and producing results.

They need technical assistance in areas as diverse as land valuation, privatization, municipal housing, tax policy and budgeting.

In October, I shall return to Moscow and Leningrad with NDI in order to work intensively with members of the Moscow City Council and the Leningrad City Council on technical aspects of municipal budgeting and finance. Let us not hesitate now in providing them the technical training assistance they so desperately need.

Zev Yaroslavsky is a member of the Los Angeles City Council and chairman of its Budget and Finance Committee.

THE HUMAN RIGHTS SITUATION IN TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. HAMILTON. Mr. Speaker, I wish to draw to the attention of my colleagues a recent exchange of letters with the Department of State regarding the human rights situation in Turkey. In recent months, reports of widespread use of torture and other human rights violations in Turkey have increased, raising serious questions about the commitment of the Government of Turkey to addressing these problems.

I believe it is important that the United States take an objective and critical view of human rights development in Turkey. The State Department response to my letter of July 17, 1991, speaks of some positive advances on human rights issues in Turkey, but fails to mention other developments which undermine the impact of some of these steps.

Turkey is an important friend and NATO ally. It is in our interest and in the interest of

the future of United States-Turkish relationship to ensure that serious human rights violations cease to occur in Turkey.

The correspondence follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, August 5, 1991.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Washington, DC.

DEA MR. HAMILTON: Thank you for your letter of July 17, 1991, to the Secretary expressing concern over the human rights situation in Turkey.

There have been some positive advances on human rights issues in Turkey this past year, but some problems remain. On the positive side the Turks took the following actions: Parliament repealed the ban on use of the Kurdish language; amnested 20,000 prisoners; and repealed the "thought-crime" laws (although a recent constitutional court decision leaves the practical effect of this last move somewhat questionable). Parliament also established a human rights commission which has taken an active role in investigating allegations of human rights abuses.

On the negative side, the continuation of incommunicado detention and the recent incidents in the southeast are cause for concern. The latest southeastern violence was sparked by the murder of Vedat Aydin, President of the Diyarbakir branch of the People's Labor Party [HEP] and a member of the local Human Rights Association. He was picked up from his home by four individuals who identified themselves as members of the police force, something they would be most unlikely to do if they really were members of a security force and intended to kill him. We do not know whether they produced any identification. Mr. Aydin's body was found 3 days later. Masquerading as members of the security forces has been a frequent ploy for Turkish terrorists, including the individuals who murdered an American citizen in Istanbul several months ago. The opposition parties and the Human Rights Association have yet to reach any consensus regarding the motive for the killing or the possible identity of the killers. Two official investigations are underway, one by parliament and the other by the Ministry of the Interior.

Mr. Aydin's funeral in Diyarbakir on July 11 sparked a violent demonstration which included gunfire. The police claim the first shot came from the crowd which, newspaper accounts make clear, was already pelting them with stones. The demonstration took place in narrow streets bordering on the city's medieval walls. Some people were shot; others were trampled, pushed off the walls, or otherwise injured. At least three people were killed and thirty eight injured, some seriously. The police detained over three hundred people. this incident, too, is under investigation.

Mr. Aydin's murder and the violence at his funeral came in the aftermath of a bombing at the Diyarbakir Human Rights Association; a car bomb which wounded another human rights activist (and his son) in the region; and a second car bomb incident in Diyarbakir in which no one was hurt.

While it is unclear whether these latest events involved human rights violations, there is no doubt we have conveyed our concerns on this subject repeatedly to the highest levels of the Turkish government, most recently during the visit of President Bush. I can assure you that Ambassador Abramowitz made human rights one of his top priorities, as will Ambassador-designate Barkley. You should also be aware that our Embassy in Ankara has initiated a program of human rights seminars, the first of which was held in May. It was attended by human rights activists, government officials, and parliamentarians. We hope to hold two more seminars in the next year.

We believe the new Turkish government will continue to take steps to improve its human rights record. This was a subject of discussion between President Bush and Turkish leaders during the recent state visit; the discussion followed a mention of human rights in President Bush's arrival statement. We have an open and continuing dialogue with the Turks and believe the open and continuing dialogue with the Turks and believe the government is determined to improve its generally excellent democracy—free elections, courts and parties—with police reforms.

Sincerely,

JANET H. MULLINS,
Assistant Secretary, Legislative Affairs.

CONGRATULATIONS TO MAURIZIO BIVONA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Maurizio Bivona who is being named "Man of the Year" by the Italian-American Forum of Lodi.

Maurizio Bivona moved here from Sicily with his family at the age of 17. He helped his family adjust to a new culture, learn a new language, and survive economically. At the same time he pursued his long-time aspiration of achieving a college education. He helped run the family fruit store and pizza shop during the day and attended NJIT at night, eventually earning a degree in industrial engineering in 1976. Also during this time, Maurizio became a U.S. citizen.

After graduation, he married Graziella Ciminata and joined M & SD Corp., a telecommunication consulting firm. Here he distinguished himself through hard work and dedication and was quickly promoted to vice president.

Maurizio is, and always has been, actively involved in his community. He is a proud member of the San Ciro Society of Garfield where he serves as a director. Among his proudest achievements is his help in founding COM.IT.Es, a committee created in conjuction with the Italian Government to promote Italian heritage in the United States.

Maurizio is also one of the senior members of the Italian-American Forum. He has served this organization in many offices including president and is currently a member of the board of directors.

Mr. Bivona strongly believes that the education of our youth is one of the most important purposes of the Italian-American Forum. He is one of the founders of the scholarship committee and strongly believes in their motto "A better America through education".

Maurizio and his wife Graziella have two sons, Alexander and Maximilian. He is highly respected by his community as an example of the success that can be achieved by hard work in the United States.

Mr. Speaker, I am proud to join in paying tribute to this exceptional man and extend my best wishes to him.

TRIBUTE TO MICHAEL E. WHIPPLE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to a fine young citizen, Michael E. Whipple, of Sunbury, PA, who has attained the rank of Eagle Scout.

Michael has been involved with Scouting for many years, beginning in 1982 with Cub Scout Pack 3309 of Sunbury, where he served as den chief and earned his Arrow of Light. He later joined Boy Scout Troop 304 at St. Michael's Church in Sunbury, and proudly served his troop as assistant patrol leader, patrol leader, assistant senior patrol leader, senior patrol leader, troop guide, and life Scout. He also has been awarded the Vigil Honor of the Order of the Arrow.

I am very heartened by Michael's statement of purpose for his Eagle Scout project: To show people that "there are kids that care about the way they want to live." Michael decided to take charge of the cleanup committee for Sunbury's first annual Riverfest. Michael expressed enthusiasm for this task and was able to get other young people to pitch in and help cleanup Sunbury's riverfront.

Michael is also a private in the U.S. Army Reserve and is a member of the Patriotic Sons of America. He is a senior in high school, and no doubt has a very bright future ahead of him. Michael has demonstrated a great attitude, a desire to work hard, and an ability to follow instructions and get the job done.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Michael Whipple on attaining the rank of Eagle Scout, and in wishing him the best in his future. That future is one I am sure that will be successful and rewarding.

GIRL SCOUTS HONOR ROME WOMEN OF DISTINCTION

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. DARDEN. Mr. Speaker, today I rise to honor three exceptional leaders in the Rome, GA community. Judge Jean P. Duncan, business owner Mary Kate Massey, and realtor Julie Spector Windler may have excelled in different professions, but their common thread of Girl Scouting has earned them all the honor of being named "Woman of Distinction" by the Northwest Georgia Council of Girl Scouts. Women of Distinction hold positions of importance in their communities.

In addition to offering my personal congratulations on their achievement, I would like to

share with my colleagues the following article from the Rome News-Tribune which includes profiles of these remarkable individuals and their achievements.

[From the Rome News-Tribune, Sunday, Sept. 22, 1991]

GIRL SCOUTS HONOR ROME WOMEN OF DISTINCTION

Three Rome women have been named Girl Scout Women of Distinction, according to the Northwest Georgia Council of Girl Scouts which includes the Rome area.

They are: Judge Jean P. Duncan, business owner Mary Kate Massey and realtor Julie Spector Windler.

Women of Distinction hold positions of importance in their communities. They may be business women, professionals, managers or respected volunteers. They all have achievement in common.

Many of them are still involved in some facet of Girl Scouting, whether serving as a troop leader or chairing the Girl Scouts annual fund-raising campaign. Other Women of Distinction were not Girl Scouts in their childhood but have been supportive of Girl Scouting in their adult years.

A Rome resident and former Girl Scout, Mrs. Duncan serves as judge of the Floyd County Probate Court. Her responsibilities include hearing all matters pertaining to wills, estates and guardianships and hearing all Floyd County traffic cases.

She has been honored with the Liberty Bell award, presented by the Rome Bar Association, and is a former recipient of the Award of Recognition by the Women in Management Committee of the Rome Chamber of Commerce. She was educated in the Rome City Schools, Caroll Lynn Business Schools, Floyd College and through seminars conducted by the American Bar Association and the University of Georgia. A widow, she is the mother of three grown children and has three grandchildren.

Although she is a native of Maryville, Tenn., Mrs. Massey is a long-time resident of Rome. As owner of Town House Apparels Inc., Mrs. Massey is responsible for the general management of the business, apparel buying, advertising, selling and marketing. She began her Girl Scout career as a Brownie in Tennessee.

Mrs. Massey attend the University of Tennessee and Jacksonville (Fla.) University, from which she received a home economics degree. Her memberships include the Floyd Medical Center Foundation, Greater Rome Chamber of Commerce, Advisory Board for the College of Home Economics at Berry College and First United Methodist Church. She and her husband, John, have three sons and four grandchildren.

Rome native and former Brownie Girl Scout, Mrs. Windler is president and owner of Garden Lakes Realty Co. She is responsible for land development, commercial and residential sales, and property management. The company manages more than 400 properties and with all business operations included does an excess of $5 million a year in business.

Mrs. Windler holds a bachelor-of-science degree in industrial management from Georgia Institute of Technology. She has served as treasurer of the Greater Rome Board of Realtors and as state director of the organization.

She also is active in the Greater Rome Chamber of Commerce and has served with the fund drive for the Rome United Way. She is a senior designated member of the National Association of Real Estate Appraisers and was named to "Who's Who" in television. She is married to Frank J. Windler and she has 3 children.

TRIBUTE TO WILLIAM HILLENBRAND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. HAMILTON. Mr. Speaker, I would like to take this opportunity to recognize the selection of William Hillenbrand for posthumous induction into the 1991 Health Care Hall of Fame. Mr. Hillenbrand and other inductees will be honored at the fourth annual award ceremonies in Chicago on November 6, 1991, to be sponsored by Modern Healthcare magazine.

The Hall of Fame honors pioneers in the health industry, whose portraits are hung at Philadelphia's Pennsylvania Hospital. Other inductees this year include Margaret Lewis, pioneer of home healthcare services; Robert M. Cunningham, Jr., author and editor of numerous health industry books and publications; educator Gerhard Hartman; and healthcare financial adviser Harold Hinderer.

William Hillenbrand was one of the outstanding business and community leaders in Indiana until his death in 1986. Mr. Hillenbrand was born and raised in Batesville, IN in the Ninth Congressional District, which I represent.

After graduating from Notre Dame University in 1927, he started a business which revolutionized the hospital supply industry. His innovation was "to bring the home into the hospital" by replacing cold white steel beds with warm wood beds. Mr. Hillenbrand was also responsible for introducing other important health care innovations, including the adjustable crank double pedestal overbed table; the short safety side bed; the labor bed; the pediatric intensive care bed; and a therapeutically designed rocker/recliner.

Today, Mr. Hillenbrand's company, Hill-Rom, has annual sales of about $300 million and employs about 2,000 people. It is one of six subsidiaries of publicly held Hillenbrand Industries.

William Hillenbrand was an old-style manager, dedicated to the success of his business and to the satisfaction of his customers. He often traveled for weeks at a time around the country visiting with hospital customers to find out what products and services they needed and wanted. Hill-Rom is testament to his great achievement in the hospital industry.

He stands among the giants of American enterprise. I will always think of him as among the best of American business leaders—innovative, industrious, community minded, and concerned about people.

FAIR TRADE IN FINANCIAL SERVICES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. SCHUMER. Mr. Speaker, how long will it take Japan's Ministry of Finance to wake up and smell the coffee? How many more scandals do we have to read about before they finally take decisive action to clean up their financial markets? Fair and open financial markets are crucial if we are to maintain our competitive edge in the global marketplace.

On Thursday, October 3, I introduced, along with Representatives LEACH and STARK, a strengthened version of Senator RIEGLE's and Senator GARN's fair trade in financial services bill. This bill will arm the Treasury with the tools it needs to open foreign markets to U.S. firms. Recent events in Japan show why it is imperative for the United States to take action on this vital issue.

This summer, the financial pages of our newspapers were littered with new revelations of crime and corruption in the Japanese stock markets. Japan's largest brokerage houses have admitted to covering $1.5 billion in stock market favored losses of their most favored customers—all Japanese concerns. Normura and Nikko Securities have admitted to covering the losses of, and financing the activities of, one of Japan's most notorious Mafia bosses. In another case, one woman was able to borrow almost $2.5 billion from Japan's biggest banks in one of the greatest cases of bank fraud of all time. The 1988 Recruit scandal proved that this corruption reaches the highest levels of the Japanese Government.

Despite these bombshells, Japanese firms and their leaders continue to conduct business as usual. Ministers and officials who are supposed to have resigned their posts are instead merely reassigned to someplace else within the same organization. The Japanese Ministry of Finance issues warnings and holds hearings, but their meager actions have failed to restore credibility to their marketplace. The one reform they are trying to institute is the creation of an SEC-like agency to oversee their stock market. This, however, is a sham, because this new agency would still be under the direct control of the Ministry of Finance which, time and time again, has proved itself to be too cushy with the Japanese firms it regulates.

Armed with protected financial markets and inexpensive domestic sources of capital, foreign firms are entering the American financial markets with devastating effect. American firms, on the other hand, have no such advantage in their home markets and are shut out of equal competition abroad—not only in Japan, but Korea, Brazil, and other countries. This is simply not fair.

Riegle/Garn is a wise and measured response to the trade discrimination our banks, securities firms, and investment advisers are facing in many parts of the globe. It merely says that unless you give our firms national treatment—the same treatment you apply to your own domestic firms—the United States has the right to apply sanctions against your firms operating here in the States.

The bill strengthens Riegle/Garn in three ways:

First, it would add a series of factors, taken from the Treasury Department's "National Treatment Study" which must be considered when the Treasury Secretary makes a determination as to whether U.S. firms are receiving fair treatment abroad.

Second, it requires the Treasury Secretary to publish in the Federal Register the names of those countries not according us national treatment.

Third, it excludes the financial institutions of the European Community and Canada from these provisions, since United States financial institutions are protected under existing treaties, so long as these countries continue to accord United States firms national treatment.

Fair and open financial markets are crucial if we are to maintain our edge in the world's financial markets. I would urge my colleagues to support this wake up call and provide U.S. financial firms with the level playing field they deserve.

TRIBUTE TO DR. MARIO VIGLIANI

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Dr. Mario Vigliani for his significant contributions to his Rhode Island community. Dr. Vigliani is recognized by the International Institute of Rhode Island with its annual Outstanding Citizen Award. Each year the International Institute presents this award to a foreign-born naturalized citizen for his or her contributions to the community. The International Institute, a United Way member agency, is a nonprofit organization that provides immigration and educational services to Rhode Island's immigrants and refugees. It is especially significant that this year's Outstanding Citizen Award be received by a member of Rhode Island's Italian-American community.

Born and raised in Italy, he traveled his native land following his father's assignments in Italian Navy Intelligence. He attended medical school in Pisa, graduated in 1948 and traveled to New York where be completed his internship and first residency. He then came Providence, RI, for a residency at Charles Chapin Hospital, where he specialized in contagious diseases. Dr. Vigliani then decided to stay in Providence, where he served the Italian-American community, establishing his own practice.

He was drafted into the U.S. Air Force as a captain during the Korean war. He served his country honorably as chief of pediatrics for the Northeastern Command. After the war he returned to Providence to continue his ambition to serve others through the practice of medicine. After reopening his own practice, he later headed the Atwood Pediatric Group in Johnston until he retired in 1989.

His distinguished career has included several volunteer contributions as well. He unselfishly devoted hours each week to such causes as the developmentally disabled, and other free clinics in the region, including four well-baby clinics. He has made his family, friends, and peers proud, giving to the community the care it so deserved.

I ask that my colleagues join me in wishing Dr. Vigliani and his family health and happiness in the future.

SUPPORT FOR MARTIN GAFFNEY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. DONNELLY. Mr. Speaker, I rise to support and commend Marine Officer Martin Gaffney of South Weymouth, MA, a man who has been suffering, but fighting a brave battle not only for his own life but for the future of his surviving daughter.

Officer Gaffney's story is a most tragic one. The following is reprinted from the Patriot Ledger of Quincy, MA, which grimly details his current situation.

GAFFNEY FEARS HE'LL DIE OF AIDS BEFORE U.S. PAYS

(By Helen Rojas)

BOSTON.—The end of Martin Gaffney's legal battle drew a step closer yesterday but the Marine officer said he still fears he will die of AIDS before the government pays him a $3.8 million court judgment.

Judge Rya Zobel ruled yesterday that the Justice Department must decide whether to appeal her $3.8 million final judgment for Gaffney by Oct. 7. Zobel rejected technical objections that would have delayed the appeal deadline.

If the Justice Department decides not to fight Zobel's judgment, Gaffney should receive his award check in eight to 10 weeks, according to U.S. attorney Wayne A. Budd's office.

But Gaffney, 42, entered Massachusetts General Hospital last week, and said he is worried he will not receive the award before he dies.

He said he hoped to use the court award to travel with his daughter, Maureene, a third-grader at a South Shore private school, who has tested negative for the AIDS virus.

"I was hoping I'd have this before I got sick so I could travel with my daughter and plan for her future," Gaffney said. "Last night I didn't know if I was going to leave this hospital alive."

Gaffney is being treated for headaches, dizziness, double-vision and coughing that his doctors have told him are the result of the AIDS virus.

AIDS has already claimed Gaffney's wife, who received a tainted blood transfusion at a Navy hospital, and the couple's infant son.

Gaffney's lawyer, Jaclyn McKenney, filed a court motion last week accusing the government of stalling with trivial legal maneuvers in anticipation of Gaffney's death.

Gaffney has refused offers of a smaller cash settlement. Mary Elizabeth Carmody, an assistant U.S. attorney wrote in a court motion that the government's offer to settle was not intended to delay an end to his three-year court battle.

"A settlement would, as a matter of course, ensure that the plantiffs would receive an award sooner rather than later," Carmody wrote in reply to a legal motion filed by Gaffney's lawyer. "This suggestion was completely appropriate but was completely misconstrued by plaintiffs' counsel. The suggestion was obviously roundly rejected."

Gaffney said the long court battle and delays by the government's lawyers have embittered him.

"These people have ice water in their veins," Gaffney said. "This case did not have to go this long."

Gaffney is still on active duty as a chief warrant officer at South Weymouth Naval Air Station and has been supporting his daughter on his Marine Corps paycheck.

He said he still hopes to take his daughter to Washington, D.C., to see the Capitol and has promised her grandparents in Okinawa that he will bring her to see them during the Christmas school break.

Gaffney said that after he dies Maureene will be raised by his brother and sister-in-law, who live in Massachusetts.

My colleague, BARNEY FRANK of Massachusetts, has introduced H.R. 3407, which I am a cosponsor, to allow claims against the United States for damages arising from negligent medical care provided by the Armed Forces. I urge my colleagues to join me in supporting this legislation so that Officer Gaffney and others will be spared this needless suffering.

GEORGE WILL: "LET THEM EAT CRACK"

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mrs. SCHROEDER. Mr. Speaker, the political etiquette business has been good to George Will. He has had a long and financially rewarding career instructing us on the proprieties of American politics. Cosseted in his Chevy Chase manor, he functions as a sort of federalized Emily Post.

Rather than invoking specific rules for correct political behavior, Mr. Will's columns are oiled instead with aphorisms. For every thorny public policy question he has a sage observation from Edmund Burke. For every societal ill, an acerbic jape from H.L. Mencken. When all else fails, an entire paragraph from Cicero—not Cicero as in Illinois, but Cicero as in Marcus Tullius.

Mr. Will's work has a certain drawing-room unreality. One has the sense that for Mr. Will mean streets is a fender bender in Chevy Chase, not the murder of children by children in Los Angeles.

Unemployment is a hoary anecdote from the Great Depression, ushered in by a quote from Hobbes, rather than the trauma of 30 percent unemployment in some sectors of American society today.

In the October 3 Washington Post, Mr. Will announced triumphantly that he will make the case for congressional term limits by showing "how amateur basketball is becoming a Federal project." Well, now.

Apparently what has stuck in Mr. Will's refined craw is a rather modest, bipartisan proposal, the Midnight Basketball League Training and Partnership Act, H.R. 3102, which authorizes $2.5 million in HUD grants to public housing authorities to work with private groups organizing athletic activities that incorporate employment counseling, job training, and other educational efforts for male adolescents. Targeted communities are those with a substan-

tial illegal drug problem, a high crime level involving young adults, high unemployment, and school dropout rates, and so forth.

The Midnight Basketball League program originated in Chicago, where it has been a resounding success. League director Gil Walker points with pride at the fact that since joining the program none of the league's 180 participants had been in trouble with the law. In addition, more than one-half are now either employed full time or have obtained their GED degrees.

Taking sharp exception to the idea of using Federal funds to help spread a program that works, Mr. Will has entered the ranks of those peculiar American conservatives who, to paraphrase H.L. Mencken, lie awake at night worrying that somewhere, somehow an impoverished kid might get a leg up on the world.

Mr. Will opposes the expenditure of Federal money on athletic programs for inner-city kids. What a hoot. He has no objection to viewing Redskins games from the posh VIP boxes at RFK Stadium, which was constructed with millions of dollars of taxpayer money.

As for kids at risk out in America, George Will has the solution, "let them eat crack."

EXPORTS MADE UP 80 PERCENT OF LAST YEAR'S GNP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Department of Commerce states that over 80 percent of our Nation's GNP last year was a result of exports, and is at its highest level ever: $394 billion.

There is much the Federal Government can do to help American business in this effort. Recently, I had an opportunity to learn about an exciting and informative conference held in Miami, as a part of a series being held throughout the country by Secretary of Commerce Robert Mosbacher and other officials who are making the resources of their agencies accessible to U.S. firms.

I want to commend Secretary Mosbacher and his colleagues for their efforts to make all the trade promotion resources of the Federal Government better known at the grassroots level and to encourage businesses in Miami, and throughout the country, to take advantage of this opportunity.

CONGRESSIONAL TRIBUTE AND SALUTE HONORING THE 40TH ANNIVERSARY OF THE RIVERSIDE VETERANS AUXILIARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. ROE. Mr. Speaker, on Saturday, October 12, 1991, the Riverside Veterans Auxiliary will be celebrating its 40th anniversary with a gala dinner at Paterson's historical Brownstone House which lies in the heart of my Eighth Congressional District of New Jersey. This gala affair will honor the hard-working members of the auxiliary who have done so much to benefit their fellow citizens through charitable good works and community service.

Mr. Speaker, this evening we gather to honor the Riverside Veterans Auxiliary, an organization truly worthy of commendation. I would like to salute the outstanding current leadership of this most worthy organization: President Annamarie Stark-Dockery, Vice President Marion Masker, Recording Secretary Catherine Spina, Treasurer Ruth Gallo, Chaplain Caroline Rovello, Service Officer Ida Ponte, and Mistress at Arms Barbara DeFerdinando.

No mention of this august body would be complete without first recognizing the Riverside Veterans, Inc. The history of our Nation shows that whenever duty has called, brave men and women have followed our flag to protect and safeguard America's freedom. The members of the Riverside Veterans, Inc., proudly continued this tradition, serving the interests of the United States throughout the globe.

From its inception in November 1946, the Riverside Veterans, Inc., has thrived on a spirit representative of a true family relationship, always mindful of basic unity and the enrichment of the organization spiritually and socially.

After the Second World War, veterans from the Riverside section of Paterson, under the leadership of founder Anthony Tirri formed the Riverside Veterans, Inc. This organization has to this day, continued to be active not only in veterans affairs, but in the community and city of Paterson as well.

The Riverside Veterans, Inc., is made up of individuals who grew up in the Riverside section of Paterson, which was predominantly Italian in heritage. The children who grew up there were immersed in a close knit family atmosphere. Subsequently, with the outbreak of the Second World War, many of the founding members entered the service together and were assigned to the same combat unit. They lived and fought side by side, forging a bond between them that only those who have survived the battlefield can know. Out of this experience, the Riverside Veterans, Inc., was formed.

Mr. Speaker, after several months of hard work under the guidance of Post Commander Emil Malizia and First Vice Commander Joseph Bernasconi, the women's auxiliary was formed in October 1951. The steering committee consisted of Dot Malizia, Pearl Plavan, Ida Ponte, Lavina Di Ferinando, Susan De Luca, and Bianca Frioli Hancock.

In April 1952, the first election of officers took place, with Mary DeNova elected president. The additional officers of the charter members were: Vice President Addie Pacillo, Secretary Dot Tirri, Financial Secretary Dot Malizia, Chaplain Pearl Plaven, Service Officer Rose Pallotta, and Mistress at Arms Connie Barone. The executive committee consisted of Angie Tatoo, Betty Natoll, Julia Cosgrove, Diama Cuccinello, and Mary Mancinelli. These ladies set the highest of standards for auxiliary, which have continued to this day.

It would be very difficult indeed to find a more dedicated or hard working group of women than the auxiliary of the Riverside Veterans, Inc. They have performed countless charitable good deeds for the community since their inception. Most important of all, they have maintained an organization that has promoted true fellowship and strong family values. I salute them for all their good deeds, they are truly a credit to our community, State, and Nation.

ARKANSANS WORKING FOR LITERACY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. ALEXANDER. Mr. Speaker, I rise today to recognize Margo Reiser of Jonesboro, AR who has worked in cooperation with the Arkansas State Voluntary Literacy Council to bring literacy to every corner of the State.

Craighead County, the largest county in my district in terms of population, has an 11.7 percent illiteracy rate. That means that there are 6,173 functional illiterates above the age of 25 living in one of my 24 counties. These are people who can't perform the simplest of tasks, such as reading the newspaper, signing checks or exercising their right to vote. Some of them can't even recognize their own name in print.

I have always been supportive of literacy programs, and my constituents can continue to count on me to support literacy programs in the future.

Margo Reiser is to be commended for her work to bring literacy to all Arkansans. I want to wish her success during the months of October and November as she conducts three separate literacy workshops in my congressional district.

I was once told that a problem is not a problem if there's a solution. Thanks to Margo Reiser, and others like her, we have a solution for illiteracy in northeast Arkansas. It's called caring.

OPPOSITION TO THE CONFERENCE REPORT ON TREASURY-POSTAL SERVICE APPROPRIATIONS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. PENNY. Mr. Speaker, I rise in opposition to the conference report. The appropriations level, nearly $20 billion, endorsed by the conferees on the Treasury-Postal Service appropriations measure now before us is $252 million higher than the House-passed bill. I find this level of spending excessive and necessary at a time when the Federal budget deficit is approaching $400 billion and will alone consume over 6 percent of the gross national product this fiscal year.

As excessive at this level of spending is, there are tucked away in the report several special interest provisions including a $350,000 grant for a drug treatment center in

Pima County, AZ. Now drug treatment is needed, but why earmark funds for one center when literally very drug treatment facility in the Nation is in dire need of funds to expand their treatment programs?

If you've wondered why the General Services Administration is receiving such a large increase in its budget over the House-passed bill, in part it's because of the growing laundry list of earmarks for construction projects. Funds are also appropriated in this bill for the Peace Bridge border facility in Buffalo, NY, and the conference report puts the final touches on the mandated move of certain Bureau of Public Debt facilities and employees to Parkersburg, WV, which is on its face a questionable expenditure of Federal funds.

Now, some of these specific earmarks may be needed, but as is usually the case, the good and the purely special interest provisions are lumped together and we will never know what's necessary and what's pork barrel.

On the floor in June, I withdrew an amendment to the House bill to reduce the Vice President's budget by $27,000. This amount is equivalent to the expense of a personal vacation Vice President QUAYLE took earlier this spring. Chairman EDWARD ROYBAL indicated he would write the Vice President for an explanation, and I can report today the chairman's letter was indeed sent. I appreciate Chairman ROYBAL and Mr. WOLF's assistance in this matter. I must say, however, that I was not at all satisfied with Vice President's QUAYLE's explanation, which was signed by an aide. His response gave no specific answer to the question of why the Vice President does not reimburse the Treasury for purely personal travel expenses. I intend to revisit this matter until such a time as the Vice President develops a travel policy that holds him accountable for his personal expenses.

I urge Members to vote "no" on this conference report. Now is not the time to surrender the fight for deficit reduction.

INTRODUCTION OF LEGISLATION TO PROVIDE EXTENDED UNEMPLOYMENT BENEFITS TO RAILROAD WORKERS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce legislation to provide extended unemployment benefits to railroad workers similarly to those granted to other workers in S. 1722.

My legislation would give approximately 3,000 railroad workers, with less than 10 years in the railroad system, up to 65 days of extended benefits, so long as the national unemployment rate is at least 6 percent. The number of days of benefits depends on the earnings of the worker.

This legislation amends the Railroad Unemployment Insurance Act which is in the jurisdiction of the Energy and Commerce Committee. I have the support of Chairmen DINGELL and SWIFT in offering this legislation. This legislation is an important step for the Congress to provide equity for the men and women who work on our Nation's railroads.

The Congressional Budget Office gave me a cost estimate for this legislation of $10 million. The current balance of the Railroad Unemployment Insurance Trust Fund was $337 million as of June 30, 1991, compared to an average base line balance of $225 million. Thus, this fund is more than $110 million above normal balances and could easily fund the $10 million cost.

FIRST CAVALRY DIVISION'S MAJ. GEN. JOHN H. TILELLI SPEAKS TO THE MISSOURI PRESS ASSOCIATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. SKELTON. Mr. Speaker, on September 20, 1991, the commander of the U.S. Army's 1st Cavalry Division, Maj. Gen. John H. Tilelli, Jr., spoke to the Missouri Press Association at its annual meeting in Columbia, MO. He gave an excellent description of the role of the 1st Cavalry in creating a deception that led Saddam Hussein's forces to focus in the wrong place. The 1st Cavalry Division certainly performed magnificently and I compliment Major General Tilelli and his troops for the outstanding performance. In Major General Tilelli's address, he pointed out the reasons American soldiers did so well in the Middle East: excellent leadership, excellent equipment, excellent training, and excellent people. Major General Tilelli's speech is set forth as follows:

REMARKS OF MAJ. GEN. JOHN H. TILELLI

Thank you Mr. Smith (R.B. Smith III, Assc. Pres.) for that kind introduction. It's a privilege to be here in Missouri on the 125th anniversary of your association to take advantage of this opportunity to address so many members of the 4th estate.

I had the pleasure of briefing Congressman Skelton when he was at Fort Hood in May to see his son awarded the Bronze Star Medal for valor. It was a proud moment for both of us. I'm honored to call him a friend of the 1st Cav.

I don't know how many of you have worked around the military, but let me briefly explain my job. As the commander of the 1st Cavalry Division, a modern armored division, I am responsible for the training, equipping and preparation of approximately 16,000 soldiers to deploy anywhere in the world, at any time, and if necessary—fight and win.

This week is the commemoration of the bicentennial of our Bill of Rights. Our Founding Fathers considered these ten rights so important that they gave them constitutional status 200 years ago. Their importance has not lessened. I think it's appropriate for this particular group, representing government, the military, the media, and the people to be here at this particular time.

As a soldier, I've always taken pride in my profession's role: the defense of freedom. Our code of conduct includes these words: "I am an American, I serve in the forces which guard my country and our way of life, and I am prepared to give my life in their defense." We take those words seriously, in fact we take pride not just in our job, but in our very commitment to it.

I think you understand that pride, in fact I think you share it. Our way of life relies on the exercise of public opinion, expressed privately in the voting booth or publicly in a thousand different forums. Those who shape and publicize opinion wield great power and take on correspondingly great responsibility. Justice William O. Douglas referred to that responsibility when he said, "The press has a preferred position in our constitutional scheme; not to enable it to make money, not to set newsmen apart as a favored class, but to bring fulfillment to the public's right to know."

Entrusted to you—as to us—is a precious charge. Your contribution is no less than the informing of a public empowered to use information more effectively and powerfully than any public at any time, anywhere.

Our Nation has won three wars within the last twenty-two months, two hot and one cold. And evidence of the power of an informed, free public is the victory we have just experienced. Desert Storm wasn't a victory over aggression alone, it was a victory over defeatism and doubt. It was the victory of our re-awakened self-confidence as a nation.

Our test came from an unexpected place, at an unexpected time. On August 2, I don't think a single soldier in our division imagined that the invasion of Kuwait, half a world away, would lead one year later to victory parades in Houston, Atlanta, Dallas, Austin, New York, down Constitution Avenue, and through the hearts of Americans all across our Nation. But our alert on August 7 for possible deployment changed all that. Just like veterans before, our soldiers prepared to go where their Nation needed them.

Since Vietnam, we had focused on Europe—deploying into a theater offering infrastructure, one we had studied and fully prepared for—with war stocks waiting and an enemy we were familiar with.

And that is where our Desert Storm victory began to take shape—at Fort Hood in August. This is where the great character of the American soldier began to really shine. Over weeks without weekends and days without end, our soldiers worked. They worked first to finish the man-machine weld, training on their tanks and Bradleys, artillery pieces and Apaches during the period before ships arrived at the port to take equipment east.

At Fort Hood, 1st Cav soldiers were firing on over 30 ranges. The local media was at first fascinated with the newly applied sand coat each vehicle wore. They were consumed with questions about the fierce desert heat, and its effects on man and machine. Our response, validated now by experience, was simply that these were the best trained troops in the world, already veterans or operations in one desert, and completely ready to tackle another.

As our soldiers trained, they worked to prepare their equipment, themselves, and their families for the deployment. I think our paint booth operation was an example Earl Scheib could learn from—in about 40 24-hours days, we painted 10,000 pieces of equipment, but I'd be lying if I told you we didn't have a run or two.

Effectively, 100 percent of our equipment went to Saudi Arabia by ship, 17 ships in all each taking just under 3 weeks from Houston, through the Suez Canal and into the Eastern Saudi Port of Dammam, a world-class facility that incidentally is the product of U.S./Saudi cooperation.

With our equipment all but gone, we completed small arms and individual training

programs, which in the future we would hone into fully developed skills. In late September and through mid October, we said our goodbyes. Any separation is tough on families. You're all familiar with the scenes of farewell, equalled in intensity only by the welcomes 6 and 7 months later. But in September and October, those joyous moments could not even be imagined.

It was then that the overwhelming support coming from everywhere really started helping. While we were headed out unsure when we'd return, we knew that we didn't travel alone, that our loved ones wouldn't wait alone. That support is another of the victories of Desert Storm.

In Mid-October after the mercifully brief stay at the port while our equipment arrived, the division rolled to the desert. We were the first to entirely set up there. It was a nearly unimaginable contrast to anything we'd done. Even at the national training center at Fort Irwin in the California Mojave, the desert had not been without limit as this one seemed to be. Correspondingly, in the Mojave, we all knew when we'd head home again, and each soldier was fairly certain he'd make the trip. Now, assurances like those came a little harder.

I knew we'd made the transition when two things happened:

The first was when we carved out of the desert a full gunnery range on which we fired all our systems, including our new Abrams tanks and Bradley fighting vehicles. This range, which I consider the best I've even seen in terms of safety and capacity to exercise crews in realistic conditions, was built entirely by our soldiers. Three months later they were using in Iraq what they'd learned on that range.

The second event was when I saw in an artillery battery, in a big army tent, a company store set up selling (at cost) snacks bought at an isolated shop on an isolated road that led to Iraq. Peter Jennings, in a Thanksgiving visit, bought a bottle of nonalcoholic beer and autographed it to be auctioned off. And for five months I waited for someone to ask me to sign a beer.

In any event, with soldiers showing industry and initiative like that, I knew we were at home, and the Iraqis were doomed.

Our emphasis on training and maintaining continued through the fall without letup. Our high state of preparedness, sharpened with the intense training of August and September, gave us a platform from which we could catapult the last obstacles presented by this particular environment.

And this kind of situation, one demanding ingenuity and flexibility, is where the efforts of our leaders—in and out of uniform, over the past decade—paid off. Planting the seeds of victory, these visionaries, most with names not associated with Desert Storm fought to get high-quality equipment, training, and people. When the opportunities arose, we were ready to take advantage of them:

Our leaders developed maneuver techniques suited to the open desert. They pioneered formations that turned their units into compact, irresistible steel arrowheads.

Our logisticians developed mobile fuel and ammunition depots that could—and later did—keep up with those fast-moving formations. In a single day, our division was consuming 250,000 gallons of fuel, so you can see the importance of mobile, capable logistics.

While we were developing these great warfighting techniques, a couple of things happened that without doubt were even greater in the minds of some troopers. Celebrating Thanksgiving, we ate our first hot food not originating in a can—and at the same time, our new AT&T phone home telephone tent opened to a very receptive crowd.

For our soldiers, and I refer to soldiers of all ranks, that was a boon to morale. It dramatically reduced anguish born of uncertainty on both sides. At that point, mail was taking two or three weeks. As the situation permitted, I spoke several times with wives and our local media in phone conferences from the desert. On one occasion, as we sweltered, I learned that one reporter couldn't make it because his car wouldn't start in the near-zero cold snap then hitting Texas.

The support our local media provided the families was significant. One lesson we learned was the benefit derived from the information loop they closed. The effect was greatest immediately after they had visited us and returned to file their stories.

At this point, media visits other than our hometown, visit, were unilateral. In retrospect, these visits—most taking place in one day but with several overnighters—were a good preparation for the pool experience that would grace us in mid-January as the air campaign began.

Just prior to that time, the division moved into the defense near a town called Hafer Al Batin, in the tri-border area of the Wadi Al Batin. The Wadi is a great shallow valley leading up into Iraq and presenting the classic approach to "the mother of all battles."

In fact, Saddam himself has stated that at Hafer Al Batin his mother of all battles would occur. So, in early January, amid indications of a spoiling attack on key logistic bases destined to supply the Hail Mary play, we were ordered in.

Well, Saddam never showed up, and we like to think our defense impressed him. What impressed me was the coordination between our division and other coalition forces in the area—French, Saudi, British, and even Syrian. While we had detached the 2d Armored Division's Tiger Brigade on moving north into positions here, we had gained a brigade of the 101st Airborne Division, the "Screaming Eagles". That too called for a lot of coordination, and through it all our staffs, commanders, and soldiers kept things straight—an accurate indicator of operations ahead.

Our shooting war began shortly after bombs began falling on Baghdad.

In early February, our second phase of wartime operations began. For the great Hail Mary play to make yardage, the Iraqis had to believe that we were going to do something else entirely. By now, you all understand the concept—every schoolboy does. What pulled Hussein's attention away from the west, what permitted surprise was a deception plan that led him to focus in the wrong place. The deception worked for two basic reasons:

First we reinforced what Hussein already wanted to believe—that the fight was coming up the wadi. It's always easier to convince someone who's half-convinced already.

And second—and this is the real reason—the 1st Cavalry Division was chosen to go in there and do the mission.

On February 7th, our first artillery strikes destroyed an enemy reconnaissance position and thereafter we conducted operations almost daily. We hit him with artillery raids—the first of the war—with airstrikes, probes, and we sent combat engineers to the border berm to blow his obstacles and really make him jumpy. Finally, we sent our armor onto his turf. On the 20th of February, 4 days before G-Day, we attacked with an armored task force 10 kilometers into Iraq on a reconnaissance in force. In fact, we lost three men killed there, but pinpointed a concentration of enemy artillery that no longer was useful after heavy bombardment that night.

All this commotion was accomplishing some significant objectives: It was destroying a lot of enemy gear and rendering defenseless thousands of enemy soldiers who either surrendered or went home; it was screening VII Corps' move west in preparation for G-Day; and it was fooling Saddam. His divisions were focusing on the 1st Cav in the wadi, oblivious to anything else except, of course, the amphibious build-up of marines off Kuwait.

On the 24th—G-Day—to cement the deception and but a few more hours for the coalition's offense, as well as determine the possibilities for further movement north, we attacked with one of our armored brigades up the Wadi Al Batin one last time. 40 kilometers into Iraq, we encountered stiff resistance. Our lead tanks were getting shot at in the area of fire trenches, spectacular infernos that sent up a wall of dense black smoke. An Iraqi Sam hit and knocked down one of our Apaches.

The brigade commander, Colonel Randy House, probably the only Houstonian alive not given to exaggeration, informed me that he could penetrate and continue north, but it would cost him. But at that point, with events going well in the west, we didn't need to. The deception had worked and we were ordered to disengage and attack to join VII Corps for the destruction of the Republican Guard.

At this point, many of our soldiers had been in constant operation for 2 days, and in combat for three weeks. With little sleep, eating cold meals spooned from Green plastic pouches in the rain that hadn't let up since January, they got ready to move again.

The division launched at noon on the 26th, refueling on the move and entering Iraq in rain, through breaches that for a change someone else had made. Virtually without stopping, we moved northeast until noon on the 27th. After 24 hours and 300 kilometers, we stopped to prepare for battle with a Republican Guard Division.

To anyone who saw it, not just to an old tanker, the spectacle of a division moving massed in the desert is awesome—and if you're on the wrong end—awful. In the most concrete, understandable terms, this last attack into the enemy's heart was our Nation's expression of solidarity and resolve. It was a message for all the world to read, and for one leader in particular. And he read it. February 28th brought a cease fire and the 1st Cav went into a posture of defense and force protection deep in Iraq. Within hours, we began clearing bunkers and destroying enemy equipment, much of it new and in excellent shape.

Among veterans, the prospect of a cease fire carries the hard edge of caution. We had so destroyed the enemy's ability to communicate, that the danger of isolated units not getting the word was very real. Also, scattered throughout the Iraqi desert were unexploded artillery munitions and enemy mines. Keeping our vigilance against these threats was as urgent a necessity as any we'd experienced.

Our mission in Iraq ended in mid-March. XVIII Airborne Corps units were at the ports and our turn came to head south. Our final desert home before hitting the port ourselves was appropriately on the plain above the Wadi Al Batin, where we'd begun our war two months before. Symbolically, we called

it assembly area Killeen, after one of our Fort Hood communities.

Within Days, our first soldiers began the flight home we had all imagined but refused to dwell on. Full of success and accomplishment, it was a great flight.

Why were we successful? The reasons, proven now, were in place well before August 2d or 9th or February 24th. There are four:

First, excellent leadership.—It starts from the top and extends to our noncommissioned officers. Today, we have the brightest young leaders our Army has seen, and they will be absolutely necessary for tomorrow's challenges in a changing, volatile world. Our leadership is not confined to the military: In Desert Storm, our political leaders set the objectives and allowed the military to accomplish them. The results speak for themselves.

Second, excellent equipment.—The reason we have the world's best is because Congress and the people have funded the weapons systems we have today—they bought the best and regardless of what the skeptics have been saying, our equipment worked. The superiority of our new M1A1 Abrams and M2A2 Bradley fighting vehicles gave us a dramatic advantage over the best the enemy had. In Desert Storm, our crews were engaging—and destroying—Iraqi T-72s before the enemy could even see us. At the end of our 300 kilometer attack, over 90% of our equipment was fully combat ready. This so-called high-tech equipment—in the hands of our well-trained soldiers—helped change the face of modern battle. More important. It saved American lives.

Third, excellent training.—We train as we fight, we insist on readiness and refuse shortcuts. Our success as an army in quickly deploying, fighting, and even providing comfort after the fight, is directly attributable to our superb training. Our division was ready to fight in October 1990 in Southwest Asia largely because in years previous it had fought at the national training center at Fort Irwin, California. Good training is very expensive, but poor training is prohibitively expensive.

And fourth, and most important, our excellent people—the people we have in the military today are some of the best and brightest this Nation can offer. They are damn good, dedicated, skilled, and hard working. They share a deep confidence in their team. And they're backed by families and communities just as dedicated and confident. Our welcome home, a welcome we share with other veterans, was the outpouring of this dedication and confidence that had already supported us for months of separation and sacrifice.

It was support that reached us from your own Lebanon, Missouri, where the Charles E. Brown Beverage Company donated 2,700 packages of Eagle snacks to soldiers, the VFW in Kansas City spearheaded "Operation Hometown" resulting in shipment of 100,000 support packages to deployed soldiers, and in Dent County, Mrs. Rita Eckles led a countywide collection of over 12,000 cookies and gifts. Packing them for shipment and bringing them to Fort Leonard Wood before Christmas.

The past few months have been great months, but as we all know, the euphoria will fade. Ours is not a martial nation and appropriately will move on to new challenges. You will forgive those of us in uniform, however, if we remain focused in readiness in an evolving, uncertain world. We have seen how even Third World countries can wield sophisticated threats. The next Hussein may not give us months to get our forces into place. He may prove a more formidable commander, willing and able to use all his tools.

While Desert Storm was a victory of historic dimensions, we can't afford to rest on our victor's laurels. Our Armed Forces face reduction and our challenge is to maintain and even improve our capability to defend our national interests.

By 1995, our Army—your Army—will be smaller than it's been since before World War Two. We must carefully shape it to fulfil four requirements fundamental to the needs of the Nation.

The Army must be versatile in its ability to deploy and if necessary, fight anywhere. The success in our ability to shift focus from Europe, deploy, and fight in Southwest Asia is an example of versatility.

Second, the Army must be deployable.—While we will retain a forward presence of forces in the critical regions of Europe and the Pacific, our smaller Army will be largely based in the U.S. It must be capable of effective power projection—moving quickly to any theater and arriving ready.

Third, our Army must be expansible.—Ready and able to grow quickly while maintaining coherence. Our Reserve and National Guard will continue to play invaluable roles in our Army's ability to expand and reinforce the active component.

Fourth and most important—our Army must remain lethal.—It must be equipped, trained, and led to enable it to accomplish its mission quickly and effectively anywhere in the world—with as few U.S. and civilian casualties as possible.

Meeting each of these requirements depends on our doing certain things well. We have the right ingredients now—quality, well-trained and led soldiers, backed by their Nation, equipped with successful doctrine and the world's best equipment. We must maintain this solid foundation, and we must continue to build on this and keep it totally responsive to our Nation's needs: Defense is a dynamic business.

We must continue to attract, recruit, and retain quality men and women. Over 95% of our Army holds the equivalent of a high school diploma. We are now familiar with the effectiveness of high-tech weapons systems—it takes quality soldiers to use them effectively. Quality soldiers conduct themselves responsibly: They fight with ferocious resolve and then care for those who are displaced by war. They are great warriers—and ambassadors.

We must continue to train to tough and realistic standards. We owe it to our soldiers to ensure they are as prepared as we can make them. It pays off: After the route of the Iraqi Army our soldiers repeatedly commented that when things go hot, their training took over—and they performed. Training, more than any factor, is perishable. We cannot afford even a momentary lapse in its pace.

Our soldiers—and the Nation they protect—deserve the best leadership, which is itself partially a function of training. Our leaders, at every level, are our Army's direction, and we have seen what sound direction can accomplish. Our young leaders—sergeants and officers—are entrusted with the greatest responsibility. They must be skilled in the complexities of their craft, they must be totally responsible and committed. As they manage the Army's complex systems, they must simultaneously lead its magnificent soldiers.

And finally, we must continue to modernize both our Active and Reserve component forces. The systems we used so effectively in the desert where the products of years and decades of effort. We must develop now for our requirements in the future.

What our Nation needs and expects is nothing less than a trained and ready army. And nothing less is what we will continue to deliver.

Serving in West Germany in November 1989, I watched as the Berlin Wall came down, as Checkpoint Charlie ceased to have significance other than as a road hazard, and as the German frontier I had spent many years guarding—opened. As Europe chose freedom, we Americans saw the rewards of our our cold war against tyranny.

The invasion of Kuwait came as a jolt to our euphoria, but in Desert Storm, we experienced not a reversal of progress, but a resounding affirmation of progress. It was progress written on the face of an old Kuwaiti kissing an American flag, progress forecast in the confidence our Nation again exudes, and progress confirmed in new developments for peace in the Middle East.

I don't suppose that, 200 years ago, our Founding Fathers were concerned for much more than just America's freedom. Back then that was a plateful. But now, we hold out to the world the promise of freedom, the vision of liberty. And I am proud to be among those privileged to safeguard this most precious gift. Mine is a pride I'm sure you share.

RAOUL WALLENBERG: HAS THE COUP OPENED A DOOR TO HIS FATE?

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 1991

Mr. KOSTMAYER. Mr. Speaker, October 5, 1991, was Raoul Wallenberg Day, which honors the brave young Swedish diplomat who served as First Secretary at the Swedish Legation in Budapest, Hungary, during the Holocaust. Incredibly, Raoul Wallenberg personally saved thousands from certain death in the Nazi camps, and it is a reflection of the scope of his works that he is one of only three persons made honorary citizens of the United States.

Mr. Speaker, the story of Raoul Wallenberg did not end happily. He was taken into custody by the Soviet Army at the end of World War II, and his fate still remains unknown.

Mr. Speaker, Raoul Wallenberg was reported dead by the Soviet authorities in Lubyanka. He was said to have died of a heart attack in 1947. It was determined, however, by an international investigative team which took a trip to Moscow in the fall of 1990, that Mr. Wallenberg may in fact be alive, and people the world over continue to demand a full explanation of his fate to this day.

Following the recent coup in the Soviet Union, at a time when reforms are supposedly breaching the walls of the Soviet KGB, the United States must renew its demand for an accounting of the whereabouts of Raoul Wallenberg. Mr. Speaker, simple justice demands an answer to his fate.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 8, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 9

1:00 p.m.
Joint Economic
To resume hearings to examine the environmental costs of economic activity, focusing on how national income and product accounts (such as GNP-Gross National Product) can be revised to reflect environmental factors, and the feasibility of implementing a natural resources and environmental accounts system.
SD-562

OCTOBER 15

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 209 and H.R. 476, to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and S. 1743, to designate certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System.
SD-366

OCTOBER 17

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the feasibility of auctioning radio spectrums.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1225, to designate specified lands in the Los Padres and the Angeles National Forests, California, as components of the National Wilderness Preservation System.
SD-366

Select on Indian Affairs
To hold hearings on S. 1687, to increase the capacity of Indian tribal governments for waste management on Indian lands.
SR-485

2:30 p.m.
Judiciary
Courts and Administrative Practice Subcommittee
To resume hearings on S. 1569, to implement the recommendations of the Federal Courts Study Committee to improve the American justice system, and to establish an intercircuit conflict resolution demonstration program and the National Commission on Federal Criminal Law, and to begin hearings on S. 1673, to improve the Federal justices and judges survivors' annuities program.
SD-226

OCTOBER 18

9:30 a.m.
Veterans' Affairs
To hold hearings on the nominations of Allen B. Clark, Jr., of Texas, to be Director of the National Cemetery System, James A. Endicott, Jr., of Texas, to be General Counsel, Sylvia Chavez Long, of New Mexico, to be Assistant Secretary for Congressional Affairs, and Jo Ann K. Webb, of Virginia, to be Assistant Secretary for Policy and Planning, all of the Department of Veterans Affairs.
SR-418

OCTOBER 22

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1315, to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission.
SR-485

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1696, to designate certain national forest lands in the State of Montana as wilderness, and to release other national forest lands in the State of Montana for multiple use management.
SD-366

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on H.R. 429, to authorize additional funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles X, XI, XXIV, XXVII, XXIX, and XXX.
SD-366

OCTOBER 23

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.
334 Cannon Building

9:30 a.m.
Governmental Affairs
To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.
SD-342

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1618, to permit the Mountain Park Master Conservancy District in Oklahoma to make a payment to satisfy certain obligations to the U.S., S. 724, to clarify cost-share requirements for the flood control project, Rio Grande Floodway, San Acaia to Bosque del Apache Unit, New Mexico, S. 1370, to authorize the Secretary of the Interior in cooperation with the Secretary of Energy to make available Pick-Sloan Missouri River Basin Program project pumping power to non-Federal irrigation projects in the State of Montana, and to continue hearings on H.R. 429, to authorize additional funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles XII, XXI, XXII, XXVI, and XXVIII.
SD-366

OCTOBER 24

8:45 a.m.
Office of Technology Assessment Board meeting, to consider pending business.
EF-100, Capitol

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on H.R. 429, to authorize funds for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, focusing on titles XVI, XV, and XVIII.
SD-366

OCTOBER 29

9:30 a.m.
Select on Indian Affairs
To hold joint hearings with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.
SR-485

POSTPONEMENTS

OCTOBER 8

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.
SD-342

OCTOBER 17

9:30 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on implementation of the Department of Energy's joint venture program for renewable energy.
SD-366